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POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

No. 1788

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BRIEFS

GDR, CSSR MINISTERS MEET--TASS report, Berlin, 14 Apr--A meeting has taken place here between Army General H. Hoffmann, member of the SED Central Committee Politburo and GDR national defense minister, and Czechoslovak military delegation headed by Army General M. Dzur, CSSR minister of national defense, which arrived here today. It was emphasized during the meeting that together with the armed forces of the Soviet Union and the other Warsaw Pact states the GDR and CSSR armies are reliably defending the gains of socialism and peace. [Text] [LD231137 Moscow KRASNAYA ZVEZDA in Russian 15 Apr 80 p 3]

CSO: 1800

NEW CODE OF PENAL PROCEDURE PUBLISHED

Tirana GAZETA ZYRTARE in Albanian No 4, Dec 79 pp 83-143

[The Code of Penal Procedure of the People's Socialist Republic of Albania; passages between slantlines printed in boldface]

[Text] The Code of Penal Procedure of the People's Socialist Republic of Albania

The People's Assembly of the People's Socialist Republic of Albania has decided:

To approve the Code of Penal Procedure of the People's Socialist Republic of Albania.

General Part

Chapter I

Content, Tasks, Bases and Main Principles of Penal Procedure of the People's Socialist Republic of Albania

Article 1

/Content of Penal Procedure Legislation/

Penal procedure legislation expresses the will of the working class and of the other working masses and is an important tool of the state of the dictatorship of the proletariat in the struggle against penal acts. It establishes the rules for the investigation and judgment of penal cases.

Article 2

/Tasks of penal procedure legislation/

Penal procedure legislation has the duty of defending the socialist state and the Albanian Workers Party, the only political and leadership force of

the state and of society, protecting and assisting the building of socialism of the country, in accordance with the principle of relying on one's own forces, and protecting the legal rights and interests of the citizens.

Penal procedure legislation has the task of preventing the committing of penal acts and of influencing the education of the citizens in the spirit of observance of socialist law.

Penal procedure legislation has the task of insuring the correct and rapid investigation and judgment of penal acts, in the struggle against manifestations of bureaucracy and liberalism.

Article 3

/Bases of Penal Procedure Legislation/

Penal procedure legislation is guided by the policy of the Albanian Workers Party and is based on the ideology of the working class, on Marxism-Leninism.

Penal procedure legislation stems from the Constitution of the People's Socialist Republic of Albania.

Article 4

/Main Principles of Penal Procedure Legislation/

Penal procedure legislation adheres to the principle of the class struggle against penal acts.

The execution of the line of the masses runs through the entire penal procedure legislation.

The socialist law is the principle of penal procedure legislation. Based on it, the court and the investigative office, executing the rules, which are the same and equal for all, carry out investigations in an objective, complete and comprehensive manner, so that no offender will avoid responsibility and so that every citizen is protected from being unjustly prosecuted and punished.

Chapter II

Court, Prosecutor, Investigator and Participants in the Penal Process

Article 5

/The Court/

The court is the organ that implements the handing down of justice.

No one can be declared guilty and be sentenced for executing a penal act without the court decision

The court takes all the measures for a just judgment of the case, so that its educational aim will be assured in the most complete manner.

The court, in the judgment of the penal case, is independent and decides only on the basis of the law.

Article 6

/The Prosecutor's Office/

The prosecutor's office is the organ that controls the exact and equal execution of laws in the entire activity of penal procedure and that takes the measures so that no action is taken in contradiction with them.

The prosecutor has the duty of exposing penal acts, enemies and other delinguents and influencing the class and revolutionary education of the masses and the prevention of penal acts.

Article 7

/The Investigator's Office/

The investigator's office is the organ that carries out investigations for penal cases. The investigator acts with initiative in regard to the direction and execution of investigations for discoverying the act and the offender, as well as in making a decision.

During the execution of investigations, the use of physical or psychological force, as well as of other such measures, is prohibited.

Article 8

/The Defendant/

The defendant is the person who is held to be responsible for executing the penal act. He is so called until the decision of the court has taken the final form or until the case is dismissed.

The defendant enjoys the right of defense during all penal proceedings.

In the cases covered by articles 9 and 10 of this Code, the defendant is provided with special defense in the judgment of the case.

Article 9

/The Defender/

The defender is the designated person, whose duty it is to assist the defendant to defend his legal rights and interests.

The defender can be: the legal counselor, the defendant's spouse and the defendant's relatives and relatives by marriage.

By court decision, the defense of the defendant can also be assumed by other persons.

Article 10

The legal counselor is designated as defender in cases when:

1) the defendant is under the age of 18;

2) the defendant, because of physical or psychological deficiencies, cannot assure his right to defense;

3) the defendant is a foreign citizen and requests that a legal counselor be designated;

4) the court deems it necessary, because of the nature of the case or because of other circumstances.

In the cases stipulated in numbers one and two of this article, the participation of the legal counselor is obligatory.

Article 11

/The Injured Party/

The injured party is the person who has been harmed by the penal act.

Cases in which the injured party is guaranteed the right to participate in the penal process are established by special provisions of this Code.

Article 12

/The Civil Plaintiff/

The civil plaintiff is the person or the juridical person who has suffered material damage from the penal act committed and who has the right to sue in the penal process in order to seek compensation for the damage done.

Article 13

/The Civil Defendant/

The civil defendant is the person who, according to the law, has civil responsibility for the damage caused by the penal act.

Article 14

/The Rights of the Participants in the Penal Process/

The participants in the penal process have the right, for the defense of their own interests, to present evidence, to request the completion of investigations, to make requests and to produce explanations, as well as to make complaints against the activities or decisions of the court and of the investigator, in accordance with the rules established in this Code.

Chapter III

/The Evidence/

Article 15

/The Meaning of Evidence/

Evidence means all the data taken in the form stipulated in this Code, that prove the execution or nonexecution of the penal act, the guilt or innocence of the person, his level of responsibility and personality, as well as the consequences of the penal act.

Article 16

/The Source of Evidence/

The sources of evidence in the penal process are: the testimonies of witnesses, the testimonies of defendants, the opinion of experts, the material evidence and documents.

Article 17

/Collecting of Evidence/

For the penal case the court and the investigation office have the right to seek and to get evidence--both the evidence that aggravates and that which attenuates the responsibility of the defendant--from the state organs, the social organizations and all the citizens.

Article 18

/Evaluation of Evidence/

No evidence has predetermined value.

The court and the investigation office evaluate evidence, according to their conviction formed after the examination of evidence in general, based on the laws and on socialist juridical awareness.

Article 19

/The Witness/

Every person, when called to the court or to the investigation office, has the duty to testifying about the facts in his knowledge.

Persons who, because of physical or psychological deficiencies are not in a position to make proper testimony, cannot be called on as witnesses and be questioned.

The testimony of a witness, who does not reveal the source from which he has learned about the circumstances he speaks of, has not the value of evidence.

Article 20

/The Witness's Obligation To Report/

The failure of the witness to report to the court or to the investigation office, without lawful reasons, makes his presentation obligatory.

Article 21

/Interrogation of the Underage Witness/

Witnesses, who are under 14 years of age, are interrogated in the presence of a teacher, in the presence of a legal representative or in the presence of close relatives. Witnesses, who are over 14 years of age, can be interrogated in the presence of the abovementioned persons when it is considered necessary.

Article 22

/The Defendant's Interrogation/

The defendant is informed of the indictment before the interrogation.

The interrogation of defendants who are under 16 years of age, is done in the presence of an educator or of another person who can help to obtain correct testimonies. The interrogation of underage defendants who have reached the age of 16 can be carried out in the presence of an educator or of another person, when it is deemed necessary.

Article 23

/The Value of the Defendant's Testimony/

The defendant's testimony has the same value as the other evidence; it is submitted for examination, taking into consideration all the circumstances of the case.

Article 24

/The Defendant's Obligation To Report/

When the defendant, without lawful reasons, fails to be present at the investigation or at the judgment of the penal case, his compulsory presentation is ordered.

Article 25

/The Expertise/

When, for the verification or clarification of the facts of importance for the case, special information is required from the fields of science, art or technology, the court, the judge alone, or the investigator decide to carry out an expertise.

The expertise is carried out in the state institutions by one or by more specialists, as well as by other specialists designated by the court, the judge alone or the investigator. If the expert, without good reason, fails to report to the court or to the investigator's office his appearance becomes obligatory.

Article 26

/The Expert's Opinion/

The experts give their opinion in writing; afterwards, they can be interrogated.

When it is necessary, thé execution of a supplementary or new expertise can be ordered.

Article 27

/Material Evidence/

Material evidence means the things that have served as tools in the execution of the penal act, or things which bear the signs of the penal act or have been the object of the activities of the defendant, as well as any other things that can be of use in the investigation and the judgment of the case.

Article 28

/Treatment of Material Evidence/

Material evidence is described in detail in the official statement; when it is possible, it is photographed and, by decision of the court or of the investigator, it is added to the case.

Material evidence which, because of its nature, can be damaged, if it cannot be returned to the persons to whom it belongs, is handed over for use by the institutions, enterprises or cooperatives which are obliged to return it in kind or to give their value, when it is decided by the court or the investigator.

Article 29

/The Material Evidence After the Settlement of the Penal Case/

In the final decision, as well as in the decision of the dismissal of the case, the court or the investigator must determine what should be done with the material evidence, making sure that:

1) The objects which have served or which were established as means for the execution of the penal act, and the things which constitute the profit extracted from it or the compensation given or promised for its execution, are taken and passed on to the state, excluding cases where these things belong to persons who did not participate in the penal act.

2) The things, whose keeping or circulation are forbidden, are handed over to the relevant institutions or are destroyed.

3) The things, which have no value at all, are destroyed.

4) The other things are returned to the persons to whom they belong, and, when there is a conflict in rgard to their ownership, they are preserved until the court decides on them.

The material evidence can be returned to the persons to whom it belongs even before the conclusion of the investigation or of the judgment, when this can be carried out without damaging the investigation of the case.

Article 30

/Documents/

Documents, official reports, investigative and judicial activities, carried out in connection with the penal case, and any other written statement attesting to facts that are important to the case--are evidence.

Article 31

/The Translator/

For the interrogation of persons who do not know the Albanian language or for the translation of documents written in foreign languages, the court, the judge or the investigator must call a translator.

When a deaf or a dumb person is to be interrogated, a person, who understands sign language, is called in, in case the interrogation cannot be done in writing.

The translator who fails to report can be forced to appear.

Chapter IV

Procedural Documents and Deadlines

Article 32

/The Meaning of Procedural Documents/

The procedural documents are the decisions, official papers and other documents required by the provisions of this Code, which contain the circumstances connected with the case and which solve the various problems during the investigation and judgment or which implement the rights and obligations of the court, of the prosecutor, of the investigator and of the participants in the penal process.

Decisions are those promulgated by the court in the judicial session and in the preparatory session and during the implementation of the decision, as well as those that are made by the investigator during the development of the investigations.

The judicial decisions are promulgated by a court body of the first and second instances. The judge alone makes the decisions in regard to the cases explicitly stipulated in this Code.

Article 33

/Main Procedural Documents/

The main procedural documents are: the decision on the beginning of the penal case; the decision on the charging of the defendant; the decision on the ceasing of the case; the indictment; the appeal and protest; the official statements of the interrogation of the defendant on the conclusion of the investigations and of the judicial sessions; the final decisions of the court; as well as the request for the protection of the law.

Article 34

/Decision on the Beginning of the Penal Case/

The decision on the beginning of the penal case is the action taken by the court, the judge alone or the investigator when a penal act has been committed giving the right to the court, the judge alone or the investigator to develop procedural activities.

In the decision on the beginning of the penal case there are indicated the time and the place and the motives and the bases that have served this purpose, as well as the provisions of the Penal Code covering the penal act that has been committed.

Article 35

/Decision on the Charging of the Defendant/

The decision on the charging of the defendant is the action, on the basis of which the court, the judge alone or the investigator, charge a person with responsibility for the execution of a penal act and have the right to undertake all necessary procedural activities in order to clarify the accusation against him.

In the decision on the charging of the defendant there are indicated the time and the place, the name and surname of the defendant, and other data on the execution of the penal act, as well as the reasons for the charging of the person as the defendant.

Article 36

/Decision on the Cessation of the Case/

The decision on the cessation of the case is the action taken by the court or the investigator, by which the penal process is ended, in the cases specified in this Code.

Article 37

/Indictment/

The indictment is the document drafted by the investigator at the conclusion of the investigation in regard to sending the defendant to court.

In the indictment there are shown the place, time and means and the ways of the execution of the penal act, the motives and the reasons that allowed it to happen, its consequences, the evidence proving the guilt of the defendant, the requests presented by him, the results of their examination, the circumstances that aggravate or attenuate the responsibility of the defendant and those that have to do with the defendant's personality, as well as the provisions of the Penal Code that cover the penal act.

Article 38

/Final Decision of the Court/

The final decision is the act taken by the court, in the name of the people, after the examination of the case in judicial session, that constitutes the

political-social evaluation of the act and its legal distinction and that solves the problem of guilt or of innocence of the defendant, of the execution or of the nonexecution of the punishment, of the medical and educational measures and of the end of the case.

The decision must contain the introduction, the descriptive and justifying part and the commanding part.

The introduction of the decision must mention: the court that has judged the case, the time and place of the handing down of the decision, and the name, surname and other details concerning the defendant, the essence of the accusation and the final requirements.

The descriptive and justifying part must mention the circumstances of the case and the evidence.

The commanding part must mention the guilt or innocence of the defendant, the provisions of the Penal Code that cover the penal act, the punishment given to the defendant and the ways of solving the civil accusation.

In addition, the decision must mention the right to appeal or to protest and the deadline for their presentation.

Article 39

/The Protest/

The protest is the act by means of which the prosecutor demands the invalidation or modification of judicial decisions, as well as of other illegal investigative decisions and acts.

With the presentation of the protest, the execution of the decisions is suspended until its examination.

The protest against the decisions of the investigator's office is made at any time.

Article 40

/The Appeal/

The appeal is the act by means of which the participants in the penal process present their opposition to the activities or decisions of the court, of the judge alone and of the investigator's office for the protection of their rights and interests.

Article 41

/The Request for the Protection of the Law/

The request for the protection of the law is the act by means of which the president of the Supreme Court or the Attorney General demands the dissolution or modification of judicial decisions in final form.

Article 42

/The Content of Official Statements/

In regard to the activities conducted by the investigation organs, both in the preparatory session and in the judicial session, official statements are made, in which the following are mentioned:

1) the place, year, month, day and, when it is necessary, even the hour of the beginning and of the ending of activities;

2) the name, surname and function of the person who executed the activity;

3) the name and surname of the persons who participated in the execution of the activity;

4) the activities that have taken place, as well as the declarations and requests of the persons who participated.

The official investigative statements are signed on each page by the persons participating in the execution of the activity. When one of the participants does not want to sign or objects to signing, this fact must be mentioned in the official statement.

The official statements of the preparatory and judicial sessions are signed at the bottom only by the chairman and secretary of the session.

Article 43

/Observations in Regard to the Judicial Statement/

The prosecutor, the defender, the defendant, the injured party, the plaintiff and the civil defendant, who have participated in the court session can make their observations about the official statement, pointing out its defects, within three days of the conclusion of the court session.

The court decides over these observations in council with the court members; the council must be attended, by all means, by the chairman and by one of the auxiliary judges who have participated in the case.

Article 44

/The Meaning of Procedural Deadline/

Procedural deadline is understood to mean the time within which an action must be executed or a decision taken in accordance with the special provisions of this Code.

Article 45

/The Calculation of Deadlines/

The deadlines are calculated in hours, days and months. In the calculation of deadlines, the hour and the day on which the deadlines begin, are not taken into consideration.

When the deadline is calculated in days, it ends at 2400 hours of the last day of the deadline.

When the deadline is calculated in months, it is the corresponding day of the last month and, when the month does not have this day, then, the deadline is the last day of the month.

When the deadline falls on a nonworking day, the deadline is the next working day.

The deadline is not invalidated when the appeal or any other document is presented, within the deadline, to the post office or to the administration of the prison, where the arrested person is confined.

Article 46

/The Resetting of Deadlines/

A deadline, invalidated because of justified reasons, is reset by decision of the court, of the judge himself or of the investigator in charge of the case.

Chapter V

Security Measures

Article 47

/The Taking of Security Measures and Their Kinds/

In order to insure the correct and rapid development of investigations and of judgment, the court, the judge alone and the investigator have the right to take security measures in regard to a person who is considered to be the defendant.

In exceptional cases, the security measures can be applied to a person even before he is charged as the defendant. In these cases, when there is no possibility of charging the person within 14 days, the security measures are lifted.

The security measures are: 1) house arrest, and 2) arrest.

Article 48

/House Arrest/

House arrest is decided by the investigator or by the judge alone and constitutes an obligation for the defendant not to leave his place of residence or the place where he is staying temporarily, without the authorization of the investigator or of the judge.

Article 49

/Arrest/

Arrest, as a security measure, ordered by the court or the investigator, can be applied to penal acts, for which punishment with deprival of freedom is specified, in the cases when:

1) the defendant has committed a crime for which punishment with the deprival of freedom is anticipated;

2) there is well-documented information that the defendant will avoid investigation, judgment or execution of punishment or that he hampers discovery of the truth;

3) the defendant has been caught while executing the penal act immediately after committing it, as well as when the injured party or the witnesses, who have seen the incident, identify the defendant as the author of the penal act;

4) the court and the investigator, on special occasions, consider it necessary because of the social danger presented by the act and by the defendant.

Article 50

/The Decision To Arrest/

The decision is drafted for the arrest; it must mention the penal act with which the defendant is charged and the reasons for taking this measure. This decision is immediately announced to the defendant. When the defendant is a foreign citizen, a copy of the decision to arrest is sent to the Ministry of Foreign Affairs. The decision to arrest, made by the investigator, is put into execution only after having been previously approved by the prosecutor.

Article 51

/Removal or Modification of the Security Measure/

The security measure can be removed or modified by justified decision of the court or the investigator.

For the modification of the measure of arrest, taken by the investigator, the prosecutor's approval is always required.

Special Part

A. Investigation

Chapter 1

The Investigator's Office and Its Authority

Article 52

/The Organs of Investigator's Office/

The investigation of the penal case is carried out by the organs of the investigator's office of the Ministry of Internal Affairs.

Article 53

/Involvement of the Working Masses in the Investigation of the Case/

The investigator, when he deems it necessary for the discovery of the penal action, or for the clarificiation of the circumstances connected with it, or connected with the person of the defendant, can seek the assistance of the working collectives or of the social organizations.

On these occasions, official statements are written, which are signed by the presidium of the assembly.

The data collected, when they present an importance for the case, are handled in accordance with the rules established by this Code.

Article 54

/The Composition of the Organs of Investigation/

The organs of investigation are composed of the investigation sectors in the district and of the Directorate of Investigation in the Ministry of Internal Affairs.

In addition to the investigator, the chief of the investigation sector in the district and the director of the Directorate of Investigation also carry out investigation activities.

Article 55

/Subordination of the Organs of Investigation/

The chief of the investigation sector has the right to decide upon the modification or annulment of the decisions made by the investigator, as well as to execute, when necessary, procedural activities in regard to a determined case.

The orders and instructions of the chief of the sector are compulsory for the investigator. The director of the Directorate of Investigation and the minister of internal affairs have the same rights.

When the investigator is not of the same opinion as the chief of the sector, then, he has the right to appeal, according to the case, to the director of the Directorate of Investigation or to the minister of internal affairs.

Article 56

/The Group of Investigators/

The chief of the investigation sector in the district and the director of the Directorate of Investigation, in special cases, name, by decision, a group of investigators with a chief in charge.

The chief of the group of investigators directs the investigation of the case, takes the decision on the beginning or the cessation of the case and drafts the indictment.

Article 56

/The Authority of the Organs of Investigation/

The organs of investigation carry out investigations of penal acts covered by articles 47-60, 61-82, 83-92, 95-100, 101-105, 106-110, 111-117, 121, 122-137, 138-160, 161-164, 166-168, 172, 178-180, 182, 184, 190, 191, 195-199, 207, 212-215, 220-223, 224, 226-228, 230-236 and 237-246 of the Penal Code, as well as of cases sent by the court.

Article 58

/The Territorial Authority of the Investigation of the Case/

The investigation of each case is done in the district where the penal act has been committed. With the prosecutor's approval, the investigation can be carried out in another district.

When the place of the occurrence of the penal act is unknown, or when the penal act has been committed outside the state, investigations are carried out at the place designated by the director of investigation office.

When it is necessary to conduct special investigation activities in another district, the investigator has the right either to go himself to that district to carry out investigations or to entrust them, by registered letter, to the responsible organ of that place.

Article 59

/The Transfer of the Penal Case/

When the investigator discovers that the case he is investigating is not in his territorial authority, he makes the decision to transfer the case, after having completed all the investigative activities that cannot be postponed.

Conflict of authorities is not allowed. The director of the investigation office has the right to transfer the case.

If the case is judged directly, without a need for the development of investigations, the investigation office sends the case to the appropriate court.

Article 60

/The Combining and Separating of Penal Cases/

In one investigation there can be combined only cases in which some persons have taken part, as partners, in the execution of one or more penal acts, cases dealing with acts committed by one person, as well as cases dealing with penal acts which are connected and which were committed by many persons.

When, during the investigation, a penal act has been discovered that has no connection with the case under investigation, the investigator decides to put the material of the new case into a separate case.

In special occasions, the separation of cases can also take place when the conditions of the first paragraph of this article exists.

Article 61

/The Deadlines of Investigation and Their Extension/

Investigations in regard to penal infractions must be completed within 1 month; investigations in regard to crimes within 2 months and investigations in regard to the crimes covered by articles 47-60, 61-63, 65, 67, 83-87, and 102 of the Penal code within 3 months.

The deadlines are calculated from the date that the internal affairs organs receive the information until the date that the case is sent to the court or that the case is withdrawn.

In extraordinary cases, when the investigator is not able to end the investigation by the deadline, he has the right to decide on its extension.

The investigator makes the decision on the extension of the deadline of the investigation; the decision must show the reasons for the failure to complete the case by the specified deadline and the time needed for its completion. The extension of the deadline up to 1 month is made with the approval of the district prosecutor, and over 1 month, with the approval of the Attorney General.

Article 62

/Investigation Plan/

In regard to the complete, comprehensive and rapid investigation of the penal act, an investigation plan is drafted, in which the following, especially, are specified: the forms of investigation, their monitoring, the involvement of the opinion of the masses, the discovery of the reasons and circumstances which have been influential in the execution of the penal act and the adoption of measures for averting them, the investigation of the individuality of the defendant and the aggravating or attenuating circumstances.

Chapter II

The Beginning of the Penal Case

Article 63

/The Way To Begin the Penal Case/

The penal case begins with a documented decision of the court, of the judge alone or the investigator when there is enough data.

Upon making the decision to begin the penal case, the investigation organ sends a copy of the decision to the prosecutor within 24 hours.

In regard to penal violations, specified in articles 176, the first paragraph of article 177, article 181, the first paragraph of article 183, articles 184, 185 and 186 of the Penal Code, the penal case begins with the request of the injured party and ends when the injured party withdraws his demand. The withdrawal of the request is allowed as long as the decision of the court has not taken a final form, with the exception of the cases when the prosecutor participates in the judgment of the case.

On special cases, when the case presents a social interest, because of the penal violations covered by the third paragraph of this article, the penal case can begin with the request of the prosecutor.

In regard to the penal acts, specified in articles 101, 104, 105, 195, 197, and 198 of the Penal Code, committed between the first-born children, the second children or the spouses, in case they live together in one family, the penal case begins with the request of the injured party. The withdrawal of the request does not stop the continuation of the penal case.

When the injured party has not reached the age of 14 years or, because of physical or psychological defects, he is not in a condition to defend his rights, the penal case, in the cases stipulated in the third and fifth paragraphs of this article, can also begin with the request of his legal representative or of the prosecutor.

Article 64

/Report on the Execution of a Penal Act/

Every enterprise, institution or organization, and every citizen has the right and the duty to inform the court, the prosecutor's office, the organs of the internal affairs, the local organs of government and the commands of military units about the occurrence of a penal act.

The report can be made orally or in writing. For oral reports an official record must be made.

Article 65

In cases when the penal act on which the report has been made, falls under the authority of another organ or has been committed in another place, the report is sent to the appropriate organ immediately.

Article 66

In cases when the person is caught committing a penal act or immediately after committing it, the internal affairs organs take measures for guarding the scene of the act, collect and arrange the material evidence, discover other evidence and carry out detentions, sequestrations and inspections.

Article 67

The chairman and secretary and, in their absence, the members of the village people's council, when there is no people's police, as well as the commands of military units, when a penal act has been committed, take measures for guarding the place where the penal act has taken place, collect and arrange material evidence and discover other evidence.

The chairman and secretary and, in their absence, the members of the people's council of the village, of the city, or of the city quarter, the auxiliary judge, the people's prosecutor, and the members of the volunteer groups, by request of the court, of the judge alone or of the investigator carry out various activities for the purpose of clarification before the beginning of the penal case.

The activities of the persons abovementioned are reflected in official statements by them.

Article 68

/Detention/

The internal affairs organs and the commands of military units have the right to detain a person who is suspected of having committed a penal act punishable by deprivation of freedom only in the cases when:

1) the person has been caught preparing to commit a penal act, in the execution of the penal act or immediately after the execution of the penal act;

2) the injured party or the witness, who has seen the happening, identifies the person who has committed the penal act;

3) the signs of the penal act have been found on the body or in the residence of the person;

4) the person, immediately after the penal act, seeks to hide from investigation.

Article 69

/Official Statement on Detention/

For the act of detention, official statements are made, indicating: the date and hour, the place of detention, the person who has taken this measure, the name and surname of the person detained, the circumstances under which the detention has taken place and the reasons for having taken this measure.

The official statement is signed by the person who made the detention and by the person detained.

Article 70

/The Release of the Person Detained/

After taking the measure of detention, the organ which undertakes the detention, has the duty to immediately inform the prosecutor, who orders the

removal of this measure when he establishes that the detention is groundless, with the exception of the cases when the case has already passed on to the court.

The detention cannot be extended more than 72 hours.

Article 71

/Circumstances that Do Not Allow the Beginning of the Penal Case/

The penal case against a person cannot begin and, if it has begun, must be ended, in any situation of investigation or judgment when:

1) the person has died;

2) the person is irresponsible, with the exception of the cases stipulated in article 160 of this Code;

3) the person has not reached the age of penal responsibility and it is not believed that educational measures should be taken in regard to him;

4) there is an absence of the complaint in penal cases stipulated in the third and fifth paragraphs of article 63 of this Code;

5) the injured party withdraws the complaint on the cases which begin only with the request of the injured party, stipulated in the third paragraph of article 63 of this Code;

6) the same person is shown for the same penal act, for which the dismissal of the case has been decided or which has been judged before with a decision in final form;

7) the act has not been committed or it does not contain the elements of a penal act;

8) an amnesty has been granted;

9) the deadline set for the statute of limitations of the penal violation has expired; and

10) in all the other cases specified by law.

Article 72

/Refusal To Begin the Penal Case/

The judge or the investigator, when they establish that the information given meets the circumstances shown in article 71 of this Code, give their documented decision on the refusal to begin the penal case.

This decision is communicated immediately to the citizens, the institutions, the enterprises, the organizations and the prosecutor, who have their right to file an appeal within 5 days of the date of the communication, while the prosecutor has the right to make his protest.

The appeal or protest against the decision of the investigator is made to the chief of the investigation sector, against the decision of the decision of the latter, to the director of the directorate of investigation, and against the directorate of investigation, to the Ministry of Internal Affairs. Against the decision of the judge, the appeal or protest is made to the court of second instance.

Article 73

/Failure To Begin the Penal Case/

The court, the judge himself or the investigator, in special cases, have the right not to begin the penal case, or, during the investigation and judgment in first instance, to dismiss it, when they estimate that the danger of the act committed and of the person is minor and when the person shows deep repentance. In these cases, the failure to begin the penal case or its dismissal can also be carried out by the request of the state organs, of the social organizations and the working collectives.

The failure to begin the penal case or its dismissal is carried out by reasoned decision when disciplinary measures of an educational character are proposed which must be taken against the person by the work center or by the social organization to which the person belongs.

Before the adoption of the decision on the failure to begin or dismissal of the case, when it is deemed necessary, the opinion of the working collective of the work or residential center is sought.

Against the decision on the failure to begin or dismissal of the penal case, a protest can be made by the prosecutor or an appeal can be made by the injured party when the case has begun at his request, in accordance with the rules stipulated in the third and fifth paragraphs of article 63 of this Code.

Article 74

/Exclusion of the Investigator/

The investigator is excluded from conducting investigations for the reasons stated in article 111 of this Code.

The request for exclusion is presented to the chief of the investigations sector who decides on it within 3 days while, the development of investigations is not suspended.

Chapter III

Charging a Person as Defendant and Misinterrogation

Article 75

/Charging a Person as Defendant/

When there is sufficient evidence showing that the penal act has been committed by a specified person, the court, the judge himself or the investigator decides to charge that the person as the defendant.

Article 76

/Announcement of the Indictment and Interrogation of the Defendant/

The decision on the charging as the defendant, within 24 hours from the time of its drafting, is announced to the person charged, who has the right to know why he has been accused.

The defendant is interrogated by the investigator within 24 hours from the moment of the announcement of the decision on his charging as the defendant. When the interrogation is delayed, the investigator makes an official statement, in which the reasons for the delay are written down.

Article 77

/Modification or Supplementation of the Indictment/

When after a person is charged as the defendant and after his interrogation, new evidence is produced, evidence that changes the indictment presented, or that supplements it, the investigator is obliged to make a decision which is announced to the defendant.

Article 78

/Official Statement on the Interrogation of the Defendant/

In regard to the interrogation of the defendant, an official statement is made, in which the interrogator's questions and the defendant's answers are recorded.

The statement of the interrogation is given to the defendant for reading; the defendant has the right to request its supplementation or correction.

Article 79

/Departure of Defendant from His Job/

When a person is charged as the defendant for a crime connected with his job, the investigator, if he deems it necessary, has the right, by reasoned

decision, approved by the prosecutor, to order that the defendant leave his job and he informs the work center of the defendant about this action.

Chapter IV

Interrogation of Witnesses and the Expertise

Article 80

/Rules for Interrogation of Witnesses/

The witnesses are interrogated separately and alone about the facts connected with the case being investigated or judged.

An official statement is drafted for the interrogation of witnesses, which includes the data given by the witness, the questions addressed by the investigator and the answers given.

Article 81

/The Witness' Rights/

At the end of the interrogation, the official statement is read to the witness who has the right to request the supplementation or correction of the statement.

Article 82

/Decision on Expertise and Defendant's Rights/

The decision of the court, of the judge alone or of the investigator on the use of expertise is announced to the defendant, explaining to him that he has the right to request the exclusion of the expert, to designate other experts, to participate himself in the expertise, when it is possible, and to present supplementary questions.

These activities, as well as the approval or refusal of the requests presented by the defendant, are noted in the official statement of the interrogation of the defendant.

Article 83

/The Expert's Duties/

The expert is obliged to give his opinion on the questions forwarded by the court, the judge alone or the investigator.

The expert presents his conclusions in a special document, which gives the name of the person who has carried out the expertise and his duties, the

materials that have been the object of the examination, the questions presented for solution, the methods used in the execution of the expertise and his own opinion.

The expert, when he deems it necessary, has the right to request to be acquainted with the materials of the case, which are linked with the expertise.

When more than one expert is assigned to the expertise and when there is a difference of opinions between them, every expert has to present his own opinion in a special document.

Article 84

/Conducting of Face-to-Face Meetings/

When there are contradictions in the statements of defendants, witnesses or between the witness and the defendant, the court or the investigator has the right to conduct face-to-face meetings, making official statements.

Chapter V

Examination, Sequestration and Other Activities

Article 85

/Conditions for Execution of an Examination/

When there is sufficient data showing that at a certain place or dwelling or with a certain person there are things or documents of importance for the case, the court or the investigator has the right to decide to carry out an examination. This examination is also made to discover persons or corpses.

The examination of a residence by the investigator can be made only with the approval of the prosecutor, with the exception of urgent cases.

In regard to the things or documents, which we mentioned above and which are of importance for the case, the court or the investigator has the right to decide about their sequestration.

Article 86

/The Method of Conducting the Examination and Sequestration/

The examination and sequestration, with the exception of urgent cases, are carried out during the day, with the participation of one member of the

people's council and in the presence of two witnesses, as well as in the presence of the person who lives in the place and, in his absence, of the adult members of the family or of neighbors.

The examination and sequestration in places occupied by institutions, enterprises or social organizations, are carried out in the presence of their representatives.

Before the beginning of the examination or sequestration, the court or the investigator is obliged to inform the person of the relevant decision and to ask him to hand over the objects that are sought. When the person does not hand them over or does not allow the places which are locked to be opened, he is forced to comply.

Article 87

/Sequestration of Correspondence, Letters and Telegrams/

The sequestration of correspondence, letters and telegrams, is carried out by the investigator with the approval of the prosecutor or by the court, but always in the presence of the representative of the relevant PT [post and telegraph] offices.

Article 88

/Examination and Sequestration in Buildings of Diplomatic Representations/

Examination and sequestration in the places occupied by diplomatic representatives, as well as in the residences of members of diplomatic representations and of their families, are carried out only at the request or with the approval of the diplomatic representative of the foreign country and always in the presence of the prosecutor and of one representative of the Ministry of Foreign Affairs.

Article 89

/Examination of Persons/

Examination of persons detained or arrested, as well as of those who are in the place where the examination is being carried out, is done by persons of the same sex, in the presence of witnesses of the same sex.

Article 90

/Things and Documents Subject to Sequestration/

The court or the investigator has the right to sequestrate only those things and documents that are connected with the case.

When, during the examination, things prohibited by law are found, they are sequestrated even when they are not connected with the case.

Article 91

/Taking a Case to Civil Court and Its Assurance/

When the court, the judge alone or the investigator see that damage has been done to the injured party by the penal act, that is being investigated or judged, they must explain to the injured party that he has the right to take the case to civil court, noting this in an official statement.

When the case is taken to civil court, the court, the judge alone or the investigator must examine the request of the injured party and decide to accept him as a civil plaintiff or to reject his request.

In order to insure compensation for the damage done to the state, social or individual interests, the court or the investigator decides to sequestrate the wealth of the defendant. This measure stands until the conclusion of the case.

Article 92

/Official Statement on Examination and Sequestration/

In regard to examination and sequestration, an official statement is drafted, which lists the names of the things discovered and sequestered, the place of their discovery and the individual characteristics which they present.

A copy of the statement is given to the person who was examined and whose things were sequestrated and, in his absence, to the members of the family.

The court and the investigator are obliged to note in their statement their observations and assertions in regard to examination and sequestration.

Article 93

/Court's and Investigator's Activities in Regard to Objects Sequestrated/

The court of the investigator leaves the objects under sequestration in the care of the person in whose care they have been sequestrated or to a third trusted person, or they are withdrawn.

In case the things sequestrated can be damaged, they are handed over to the relevant institutions, enterprises or organizations. Money, currency and other valuable things are deposited in the bank.

Article 94

/Observation, Presentation for Identification and Investigative Experimentation/

In order to discover, collect and arrange the signs of the penal act, to get new evidence and to clarify the circumstances which are important for the case, the court or the investigator makes an observation of the place, where the act has occurred, of the corpses, of the living persons and of the objects and written documents; they examine the persons and the things; and carry out investigative experimentation.

These activities are not allowed when they affect the dignity of the citizens, when they create a danger for their lives and health or when they bring other serious consequences.

Article 95

Two witnesses, who are present, and the expert participate in the observation, presentation for identification or in the investigative experimentation, when special information is required.

When it is deemed necessary, the defendant or the detained person, the witness or the injured party can be present.

Article 96

After the conclusion of the observation, identification and investigative experimentation, a statement is drafted, to which sketches, pictures and other signs are attached.

Chapter VI

Suspension and Conclusion of Investigations

Article 97

/Conditions for Suspending Investigations/

The investigation is suspended when:

1) the defendant suffers from a serious sickness which prevents the further investigation of the case;

2) the person who has committed the penal act has not been discovered or has not been found.

The suspension of investigations is carried out by decision of the investigator, when the reasons of the suspension are shown, after all the activities possible have been carried out.

Article 98

/Ending the Case/

The investigator ends the case when:

1) the situations presented in articles 71 and 73 of this Code exist;

2) it is not proven that the penal act has been committed by the defendant.

The decision on the ending of the case is communicated to the prosecutor, the defendant, the injured party and to the institution, enterprise and organization, or to the person, whose information started the case.

An appeal can be made against the decision on the ending of the case to the chief of the investigation sector, which controls the investigation, within 5 days; protest can also be made by the prosecutor.

Article 99

/Referral of Case for Execution of Medical Measures/

When the person has committed the act under the condition of a psychic sickness or when the person becomes sick with an incurable mental illness after having committed the penal act, and when on both cases he is irresponsible and when, allowing him to be free is dangerous for the society, the investigator does not end the case, but sends it to the court for execution of medical measures.

Article 100

/Notification of the Ending of a Case to the Working Collective/

The decision on the ending of the case, when the person is assumed to be the defendant, as a rule, is announced to the working collective of his work center or of his residence, with the exception of the cases when, because of justified reasons, the organ that has decided to cease the case estimates that it should not be done or when the person concerned requests it himself.

Article 101

/Resuming of Suspended Investigations or of Ceased Case/

The investigation which has been suspended is resumed by decision of the investigator.

The case suspended is resumed by decision of the chief of the investigation sector or of the director of the directorate of investigation, when it has been discovered that the ending of the case has been carried out in contradiction with the circumstances stipulated in articles 71, 73 and 98 of this Code.

Article 102

/Defendant's Acquaintance with the Materials of the Case/

When it is estimated that the evidence is complete enough to send the case to the court, the investigator is obliged to inform the defendant about the conclusion of the investigations, to give him the opportunity to examine all the material of the case and to ask him if he requests that supplementary activities be carried out, making a statement to this effect.

When the defendant requests the execution of activities that are important for the case, the investigator is obliged to complete them. In the opposite case, the investigator makes the decision of reasoned refusal. Appeal against this decision can be made to the chief of the investigation sector. About the conclusion of investigations, the investigator informs the prosecutor.

Article 103

/The Way the Prosecutor Exercises Control Over Investigations/

In order to implement his legal control, the prosecutor has the right to be acquainted, at any time, with the material of the case under investigation and to be present during the investigative activities conducted by the investigator.

Article 104

When the prosecutor discovers illegal decisions and acts or other violations of the law during the development of investigations of the case, he has the right, as the case may be, to make a protest or suggestions to the higher organ of investigation.

Article 105

/Indictment and Sending a Case to Court/

When the investigations are concluded and there is full evidence for sending the defendant to court, the investigator drafts the indictment.

The indictment, together with the documents, is sent to the appropriate court. A copy of the indictment is communicated to the defendant. When the defendant does not know the Albanian language, the indictment is given to him translated into his own language.

After sending the case to court, any request connected with the case and any appeal against the activities of the investigator are addressed to the court.

Article 106

/Communication of Investigation Results/

After the conclusion of the investigations, the investigator informs the organs or the organizations concerned and, when he deems it necessary, the working collectives, on the investigation results and on the shortcomings and gaps discovered during the development of investigations, which have been influential in the execution of the penal act, proposing concrete measures for eliminating them.

The investigator can carry out these activities during the development of investigations when they are estimated to be urgent and when they do not hamper the progress of the investigations.

Article 107

/Appeal Against the Investigator's Activities/

The defendant, the injured party, the civil plaintiff, the civil defendant, the witness, the expert and the translator can make appeals against the activities of investigators who violate or limit their rights.

The complaint is sent to the chief of the investigation sector and does not suspend the execution of the activities against which complaints are made.

The deadline for the presentation of an appeal is 5 days, beginning from the day the complainant learns about the activities of the investigator, which he appeals.

In regard to the appeal against the security measure taken and against the illegal activities of the investigator there is no deadline.

Article 108

The chief of the investigation sector is obliged to examine the appeal within 3 days of its receipt.

The decision, taken by the chief of the investigation sector in connection with the appeal, is communicated to the plaintiff and is implemented immediately. If the investigator and the plaintiff reject the decision of the chief of the investigation sector, they can appeal to the higher organ of investigation.

Second Part

The Judgment

Chapter I

Composition of the Court and Its Authority

Article 109

/Composition of the Court/

The penal cases in first instance in the Supreme Court and in the district courts are examined by one judge, as the president of the court, and by two auxiliary judges, who have equal rights in solving the case.

In special cases, the Supreme Court, by decision of its president, judges in first instance with the court composed of only three judges or with a greater number of judges and of auxiliary judges.

The examination of cases in first instance is attended by a secretary, who records the official statement of the session.

In second instance, the Supreme Court and the judicial council of the district court examine the cases with three judges. By decision of the president of the Supreme Court or of the president of the district court, cases can also be examined with the participation of two auxiliary judges, in addition to the three judges.

When, in a district court, the number of judges is not sufficient to constitute the judicial council, the latter is supplemented with judges from the nearest district, designated by the president of the Supreme Court.

When, in a district, the judicial council cannot be formed completely, the Supreme Court takes the case for examination.

Article 110

/Cases of Exclusion of Judges/

Persons related to each other or related to the participants in the court case, spouses, close relatives (first-born child, second-born child, brother, sister, uncle, mother's sister, nephew, niece, the children of brothers or of sisters), or close relatives by marriage (father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepson, stepdaughter, stepfather and stepmother) cannot participate as judges in the examination of a penal case.

Article 111

A judge who has participated in the same case as investigator, prosecutor, injured party, witness, expert, translator, defender, civil plaintiff, civil defendant or as their representative, also cannot participate in the examination of a case. Also, when there are other circumstances which might give rise to doubts about his impartiality, he cannot participate.

Article 112

The judge, who has participated in the issuance of the definitive decision in the judgment of the court of first instance, cannot participate in the examination of the same case in the court of second instance or in its rejudgment in the court of first instance.

Article 113

The decisions of article 110 of this Code also pertain to the prosecutor, the secretary of the judicial session, the translator and the expert.

Article 114

/Ways of Excluding Judges/

The exclusion of a judge is requested immediately after the announcement of the composition of the court. A subsequent request is allowed when the reason for the exclusion has been learned later.

The request for excluding a judge is made by a majority of votes by the other judges. When the votes are equal, the judge is considered as excluded.

The request for the exclusion of the entire judicial body is decided by majority of votes, by the judicial body itself.

Article 115

/Examination of the Case by the Same Judicial Body/

The examination of the case must be carried out by the same judicial body. When one of the judges is not able to continue to participate in the session, he is replaced by another judge and the case is examined from the beginning, when the new judge requires it.

Article 116

/Substantial Authority of District Courts/

The district courts judge all the cases in first instance, with the exception of those cases which, by law, are left in the authority of the village, city or city quarter courts.

The military collegium of the district court judges, in first instance, the penal acts committed by military men, as well as the other penal acts stipulated in special provisions.

Article 117

/Taking of the Case by the Supreme Court for Examination/

The penal or military collegium of the Supreme Court, by request of the president of the Supreme Court, judges, in first instance, the important cases that are in the competence of the district courts.

Article 118

/Territorial Authority of District Courts/

The local court, where the penal act has been committed, has the authority to judge the case. When the place where the penal act has been committed, is not known or when the penal act has been committed outside the borders of the People's Socialist Republic of Albania, the court where the investigations have been concluded has the authority.

In the district courts, where there is no military collegium, or in the event that the military judge is absent, by decision of the president of the Supreme Court, the cases can be judged by a military judge from another district.

Article 119

/Sending the Case to Another Court/

The case can be sent for judgment to a district court, which has no authority, only when there are special reasons. This is decided upon by the penal or military collegium of the Supreme Court.

Article 120

The Judgment of the Case by Another Court

When one person, or several persons collaborating have committed some penal acts that fall under the authority of different district courts, their cases are combined and are judged by the court of the area where the most severe penal act has been committed; when the penal cases are of the same severity, they are judged by the court of the place where the investigations have been concluded.

When one of the penal acts or one of the defendants falls under the authority of the military collegium, this collegium is the one to judge the cases.

Article 121

/Combination and Separation of Cases/

When some persons have committed penal acts in different places, acts which are connected, their cases can be combined and judged by the court of the place where the most severe penal act has been committed and, when the penal acts are of the same severity, by the court of the place where the investigations have been concluded or where the judgment has begun.

When it is deemed necessary, the cases can be separated, if their separate examination does not jeopardize their just settlement.

Article 122

/Sending the Case to the Appropriate Court/

When the court sees that the case is in the jurisdiction of another district court, it decides to send the case to the appropriate court, if the judicial examination has not yet begun. However, when the case is in the jurisdiction of the military collegium, it always decides to send it to this collegium.

Article 123

/Prohibition of Disagreements in Regard to Jurisdiction/

Every case, which is sent from a district court to the court of another district, must be accepted and must be examined by the court that has received it.

Disagreements between courts in regard to jurisdiction are not allowed.

Chapter II

Judgment in the Court of First Instance

Article 124

/Plan of Judgment/

For every penal case, a judgment plan is drafted in which the following, especially, are specified:

--the organizational measures for the development of judgment and the preliminary activities for the preparation of the case;

--the problems of a political, ideological and social character which will be treated during the development of the judgment and after the judgment for the education of the working collectives and for strengthening their revolutionary vigilance;

--the problems of a legal character, whose clarification during the judgment is necessary for the solution of the case and for the adoption of a just decision;

--the problems that should be clarified for discovering the motives and for clarifying the circumstances that have been influential in leading to socially dangerous consequences, as well as the measures that should be taken for cooperation with the state organs and with the social organizations so as to prevent penal acts and other violations of the laws.

Article 125

/Activities for Reconciliation/

The judge, when he deems it necessary, in the case which is being pursued about the appeal of the accusing injured party, according to the case, alone or in cooperation with the people's council, the social organization or the working collective makes efforts for reconciliation. When the reconciliation is reached, a statement is made. One of the auxiliary judges can be entrusted with this task.

Article 126

/Activities of the Judge Alone/

For the penal acts, which are being prosecuted in connection with the request of the accusing injured party, as well as for those which are judged directly, when the development of investigations by the investigating organs is not necessary, the judge alone carries out these activities:

1) he decides about the beginning or the rejection of the penal case;

2) he names the person as the defendant, informs him about the indictment and asks him if he requests that other evidence be presented to the court;

3) he decides on the security measure, which has been taken or which should be taken against the defendant;

4) he returns the case to the internal affairs organs when, in regard to the cases stipulated in article 127 of this Code, the first activities, which cannot be postponed, have not been concluded;

5) he decides to send the case for judgment;

6) he takes measures for the assurance of civil charges;

7) he orders the summoning to court of the defendant, of witnesses, of experts and of the defender in the cases stipulated in the law and informs, the civil plaintiff, the civil defendant and the prosecutor about the sentencing day when the latter has announced that he will participate in the judgment.

Article 127

/Activities Which Cannot be Postponed/

In regard to the penal acts stipulated in articles 93, 94, 118, 119, 120, 175, the second paragraph of 177, 204 and 205 of the Penal Code, the confession is taken in court after the internal affairs organs have concluded these first activities, which cannot be postponed:

1) the examination of the place where the act has taken place;

2) the arrangement of the material evidence and their taking;

3) the detention of the person when the conditions of article 68 of this Code exist;

4) the forensic medicine report;

5) the preparation of the list of the persons who have knowledge about the execution of the penal act.

These activities and the sending of materials to the court must be carried out within 5 days from the communication on the execution of the penal act.

Article 128

/Sending the Case for Examination or to Preparatory Session/

For the cases sent to court by the investigator, the judge alone, when he estimates that the investigations are complete and that there is no legal obstacle, makes the decision to send the case to court, completing the requirements of the point seven of article 126 of this Code.

The sentencing day is set at no earlier than 3 days after the day when the indictment has been communicated to the defendant. By decision of the judge, for exceptional cases, the judgment can take place even before, but never sooner than 24 hours after the communication of the indictment.

When the judge estimates that the accusation should be modified and that it aggravates the position of the defendant, when he estimates that the case should be dismissed, that the investigations should be completed by the investigation office, or that the security measure should be modified, by decision, he dispatches the case to the preparatory session.

Article 129

/Examination of the Case in Preparatory Session/

In the preparatory session, the court is composed of one judge and of two auxiliary judges. The prosecutor has the right to participate in the preparatory session; he must be informed.

The examination of the case begins with the presentation delivered by the judge or by the auxiliary judge. Afterward, the court hears the opinion of the prosecutor, when he is participating.

Only the prosecutor can make a protest against the decision of the preparatory session.

Article 130

/The Decision of the Court in the Preparatory Session/

At its preparatory session, the court decides:

1) to send the case for judgment, completing the requirements of point seven of article 126 of this Code, to modify the indictment, when it is not necessary to return the case to the investigation office; the modified indictment is communicated to the defendant;

2) to take, dismiss, or modify the security measure;

3) to return the case to the investigation office, when it has not been fully investigated and when such an investigation cannot be made in the judicial session, as well as in the instances specified in point two of article 145 and point two of article 146 of this Code;

4) the suspension or dismissal of the case, when the instances specified in articles 97 and 98 of this Code exist.

Article 131

/Deadline for Concluding the Case in Court/

The court is obliged to end the penal case no later than 1 month from the day of its arrival in court.

Article 132

/Organization and Management of the Judgment/

The court organizes and directs the judicial examination and takes measures for assuring the normal development of the judgment.

The president of the judicial body opens the judicial session on the day, the hour and at the designated place.

The judicial examination of the case is carried out with the active participation of all the members of the court by means of questions and the use of evidence during the development of the judgment process.

The court takes all the measures so that the case will be examined without interruption within one session.

Article 133

/Judgment in Open Session/

The examination of the penal case in the court takes place in open session.

Article 134

To increase the educational role of the judgment process, the court by itself and by request of the state organs, social organizations or working collectives, has the right to decide on the examination of the case in work centers, in city quarters and in villages in the presence of the working people.

Article 135

/Judgment in Closed Session/

By decision of the court, the examination of the case in closed session is generally developed when:

1) it is necessary to keep a state secret;

2) cases of sexual crimes are judged;

3) cases of penal acts committed by youths under 16 years of age are judged, apart from the cases when the court considers it differently;

4) it is necessary not to spread data about the intimate life of the citizens.

For all the abovementioned cases, the decision is publicly proclaimed; but, when the court judges it necessary, it has the right to proclaim only its orders.

Article 136

/Hearing and Direct Handling of Evidence/

In the judicial session, the court hears directly the statements of the defendant and of the witnesses and the opinion of the experts; it examines the documents and looks at the objects which serve as material evidence.

The court reads the statements of the defendant and of witnesses, when:

1) the defendant is judged in absentia;

2) the situation specified in articles 137 and 142 of this Code exists;

3) the defendant does not agree to give explanations;

4) one of the defendants or witnesses dies;

5) the witness, because of justified reasons, did not appear in the session and it is not necessary to call him back;

6) there are differences between the statements of the defendant or of the witness, made during the investigation, and those that they make in court.

Article 137

/Interrogation of Witnesses by Registered Letter/

When it is very difficult for witnesses, who have not been previously interrogated to appear in court, the court, when it deems it necessary, decides to interrogate them by registered letter from the judge of the area where the witnesses live.

In these cases, the questions that should be asked to the witnesses are noted in the court decision.

The content of the registered letter is examined in the judicial session.

Article 138

/Participation of Prosecutor/

The prosecutor has the right to participate in the judgment of any penal case.

When the prosecutor has requested to participate in the judgment, the case cannot be judged in his absence, therefore, the session is postponed.

The court, when it deems it necessary, has the right to demand the participation of the prosecutor in the judging of the penal case.

Article 139

/Participation of Defendant and of Legal Counselor/

The examination of the case in the judicial session is carried out in the presence of the defendant. His failure to appear causes the postponement of the judicial session.

The case can be examined in the absence of the defendant only when it has been proven that the defendant is hiding from the examination, in spite of the measures taken to look for him.

The court postpones the judicial session when the legal counselor or the legal representative of the defendant fails to appear and, when there is no possibility for replacement with another one.

Article 140

/Participation of the Accusing Injured Party/

When the accusing injured party or his legal representative does not appear in the judicial session, without justifiable reason, and when the prosecutor does not participate in the examination of the case, the court can decide to cease the examination; nevertheless, the defendant has the right to request that the case be thoroughly examined and, in this instance, the court is obliged to examine the case.

Article 141

/The Beginning of the Judgment/

The judge, who presides over the judicial session, directs the development of the judicial session and limits the investigations of the case. He makes sure that the defendant is present and asks him if the copy of the indictment has been handed over to him and explains to him and to the other participants in the trial their rights and duties, as well as the composition of the court which will examine the case.

The court seeks the opinion of the prosecutor and of the participants in the trial about the possibility of beginning the examination of the case with the persons present and asks them about their requests.

The court is obliged to examine the requests that have been presented and to decide to accept or reject them.

Article 142

/Respect for the Rules of Judicial Session/

The court decides to dismiss, from the judicial session, the defendant and the participants in the trial, without interrupting the examination, if they break the rule of the session and continue on doing so in spite of the warning to them. Other persons can be removed from the courtroom by order of the president of the judicial session.

Article 143

/Taking and Examining Evidence/

The court has the right to take and to examine any evidence that is needed for the just solution of the case, in accordance with the provisions of this Code.

The special activities that should be carried out outside the examination of the case can be entrusted to an auxiliary judge, who participates in the examination of the case; a relevant statement should be made on this occasion.

Article 144

/Limits of Examination and the Beginning of the Case for Another Penal Act/

The examination of the case is limited only to the persons who have been taken to court and to the accusations, for which they have been taken as the defendants.

When, during the examination of the case, data are produced showing that the defendant, in addition to the penal act for which he has been taken to court, has committed another penal act, even if the case has been dismissed by the investigator, the court decides:

1) to reopen the case for the penal act and send to the investigation organ, when it assesses that it has no relationship with the first accusation;

2) to name a person as the defendant and to dispatch the case to the investigation organ, when the accusation has a close relationship with the first one.

Article 145

/Modification of the Accusation/

When, during the examination of the case, data have come out that make the supplementation or modification of the first formulation of the accusation necesary, the court decides:

1) to continue the examination, when the new formulation of accusation does not bring a more severe punishment or does not have a more serious character and when the circumstances of the case can be clarified in the judicial investigation;

2) to send the case to the investigating organ when the new formulation of accusation brings a more severe punishment or has a more serious character compared to the first accusation.

Article 146

/Beginning the Penal Case and Sending It for Investigation/

When, during the examination of a case, data appear showing that a penal act has been committed by another person who has not been taken to court, even if the case has been dismissed, the court decides:

1) to begin the case again against the other person and to send relevant material to the investigating organ, when this has no relationship with the case under examination;

2) to name a defendant and send the case to the investigating organ, when the penal act committed by the other person has a close relationship with the case which is being examined and when it is necessary to develop other investigations.

Article 147

/Beginning the Case and Modifying the Accusation for Direct Judgments/

When, during the examination of the case, data appear showing that a penal act has been committed by those under direct judgment, the necessary activities stipulated in articles 144, 145 and 146 of this Code are carried out by the court that examines the case.

Article 148

/Closing and Reopening the Examination of the Case/

When the court estimates that the case has been fully clarified, it decides to close the judicial investigation and to give the floor to the prosecutor, to the participants in the trial and, at the end, to the defendant. After this, the court withdraws to make a decision.

The court decides to reopen the examination of the case when, in their speeches, the prosecutor and the participants in the trial introduce new proofs of report about other circumstances which are important for the just solution of the case.

The reopening of investigations of the case is also executed in those instances when, at the time of the discussions leading to the decision, the conclusion is reached that other important circumstances must be clarified or when the circumstances stipulated in articles 145 and 147 of this Code exist.

Article 149

/Making and Communicating the Court Decision/

All the cases, examined by the court during the making of its decision, are solved by simple majority of votes. No one should abstain from voting. The judge who remains in the minority has the right to present his opinion in a written statement which is not announced but attached to the case.

The decision is signed by all the judges who have participated in the making of the decision.

Article 150

/Decision of Guilt/

The court makes the decision of guilt when it has been proven, in a complete and comprehensive way, that the penal act has been committed and that the act has been committed by the defendant.

In its decision, the court also determines these matters:

1) the penal act committed by the defendant and the provision of the Penal Code which stipulates it;

2) the kind and extent of punishment and whether the defendant must execute the punishment or must be exempted from executing it.

Article 151

/Decision of Not Guilty/

The court hands down a decision of not guilty when:

1) the act has not been committed;

2) the elements of the penal act are missing;

3) the defendant has not committed the penal act of which he has been accused.

Article 152

/Proclamation of Court Decision of Not Guilty/

The decision of not guilty, after it has taken the final form, must be read before the working collective of the work center or of the residence of the person declared not guilty, with the exception of the instances when, because of justified reasons, it cannot be done or when the person concerned requests that it should not be read.

Article 153

/Returning and Sending the Case for Investigation/

The court decides that the case should be returned to the investigating organ for the supplementary investigation, when:

1) the case has not been investigated in a complete and comprehensive manner and when the investigations cannot be completed during its investigation in the judicial session;

2) during the investigation, the procedural rules, which guarantee the rights of the defendant, have been violated;

3) the case deals with the instances covered by articles 144, 145 and 146 of this Code.

The court, on special occasions, decides to send the case to the investigating organ for investigation of penal acts which are judged directly or which are pursued because of appeal.

Article 154

/Suspending the Case/

The court decides to suspend the case when the conditions specified in article 97 of this Code exist.

Article 155

/Judgment of Civil Accusation/

The civil accusation is examined together with the penal case. The examination of the civil accusation is carried out separately only on rare occasions, when it is in the interest of its just solution or when its examination together with the penal case complicates the court investigation. On these occasions, the court, with the decision of guilty, can recognize for the civil defendant the right to compensation for damages done and send the civil accusation to the appropriate civil court for examination.

For institutions, enterprises and organizations, civil accusation is examined by the court even if they have not presented a request for compensation.

The prosecutor has the right to take civil action when he estimates that such a thing is required for the protection of the state and social interests or for the protection of the interests of the citizens.

Article 156

The court, according to the case, accepts, partially or entirely, the civil accusation, or drops it. In the event that a decision of not guilty is made, because the act is not covered by the provisions of the Penal Code, or when the ending of the penal case has been decided, the civil accusation is left unexamined.

Article 157

When the civil action has been left unexamined at the penal trial, the injured party has the right to take the action to the civil court again, while, when the civil action is dropped at the penal trial, it is not permissible to take it again to the civil court.

Article 158

The penal decision in final form is compulsory for the court which judges the civil consequences of the act only in regard to the matter of whether the penal act has been committed and whether it has been committed by the person who has been judged.

Article 159

The civil decision in final form is compulsory for the court which judges the penal case only in regard to the matter of whether the event or the act has taken place but not in regard to the guilt of the defendant.

Article 160

/Decision on Adoption of Medical and Educational Measures/

The court decides to execute the medical measures stipulated in Article 28 of the Penal Code, when:

1) the penal act has been committed by an irresponsible person;

2) the person, after committing the penal act, is taken sick suffering from an incurable illness.

In both these cases, medical measures are applied only when allowing the sick person to go free is dangerous for the society.

The court decides to execute the educational measures stipulated in article 28 of the Penal Code, when:

1) the penal act has been committed by a person who, because of his age, has no penal responsibility and, therefore, it is deemed necessary to place him in an educational institution;

2) it is estimated that punishments are not suitable.

Article 161

/Court Decision on Preventive Measures/

When the court, during the examination of the case, discovers important shortcomings and defects in the activities of the enterprises, institutions and social organizations, which have been influential in the execution of the penal act, together with the final decision, issues a special decision, by means of which, it requests that they take appropriate measures. The enterprises, institutions or social organizations are obliged to reply to the court within 1 month of the issuance of the special decision.

Chapter III

Judgment of Second Instance

Article 162

/Complaint Against Definitive Decisions/

Against definitive decisions, with the exception of the decisions of the Supreme Court, appeal or protest can be made to the judicial council of the district court or to the Supreme Court.

Decisions on the death sentence are submitted for examination by the Supreme Court even if there is no appeal or protest.

Article 163

Each participant in the court can appeal only the violation of his own rights and interests. The prosecutor can present a protest in the interest of all the participants who take part in the judgment. The protest can be presented directly by the higher prosecutor.

The defendant can appeal the reasons of the decision of not guilty.

The accusing injured party can appeal the decision of not guilty, as well as a mild sentence, only when the prosecutor has not participated in the judgment of the case.

The civil plaintiff and the civil defendant can appeal the decision only as to the civil accusation.

Article 164

/Deadline for Appeal and Protest/

The deadline for the appeal and protest is 5 days from the next day following the communication of the decision.

When the case has been judged in the absence of the defendant, the appeal against the decision is presented by him within 5 days from the day the decision has been communicated to him,

The appeal and protest are presented to the court that has made the decision.

The court that has made the decision, after accepting the appeal or the protest, sends its copy to the person concerned and, after the documents communicated are returned, the case is sent to the court of second instance.

Article 165

/Reinstatement of the Deadline/

When the prosecutor or the participants in the trial have missed the deadline for the complaint or protest, because of justified reasons, they have the right to present a request for reinstatement of the deadline to the court which has made the decision; the court examines the request. The decision is final.

Article 166

/Court that Examines Appeals and Protests/

Appeals and protests against definitive decisions of the district court, connected with the penal act, covered by articles 47-60, 61, 62, 65, 67, 68, 69, 70, 72, 76, paragraph 2 or 78, 80, paragraph 2 of 81, 83, 84, 85, 86, 90, 97, 98, 102, 106, 107, paragraph 2 of 111, 116, 122, 124, 127, 128, 130, 131, 132, and 133 of the Penal Code are examined at second instance by the penal collegium of the Supreme Court.

Appeals and protests against the definitive decisions of the military collegiums of the district courts are examined at second instance by the military collegium of the Supreme Court.

Appeals and protests against the definitive decisions of first instance for other penal acts are examined at second instance by the judicial council of the district court.

Article 167

/Deadlines for Examining the Case/

The announcement of the day and hour of the examination of the case is made by the court of second instance by the publication of the list 5 days before.

The examination of the case at second instance is carried out:

1) within 10 days from the day of the arrival of the case, when death sentences have been passed;

2) within 1 month from the day of the end of the deadline for appeal or protest, for all the other cases.

Article 168

/Examination of the Case at Second Instance/

The examination of the case at second instance is carried out at the judicial session and begins with the presentation by one of the members of the

penal or military collegium of the Supreme Court or of the judicial council of the district court. After this, the appeal or protest is read and the prosecutor and the participants in the trial are heard, when they are present. The absence of the prosecutor or of the participants in the trial does not prevent the examination of the case.

The examination of the case at second instance can also be carried out at work and residence centers with the participation of the working collective.

Article 169

/Rejection of Appeals and Protests/

The rejection of an appeal or a protest can be made before the beginning of the examination of the case. The higher level prosecutor can reject the protest presented by the lower level prosecutor. In these cases, the court of second instance decides to cease the judgment at second instance.

Article 170

/Monitoring of the Basis and Legality of Decisions/

The court of second instance monitors the basis and legality of the decision issued by the court of first instance, relying on the evidence furnished during the judgment of the case.

The prosecutor or the participants in the trial have the right to present new material and written evidence.

Article 171

/Limits of Examination of the Case/

The court of second instance examines the case in totality and does not restrict itself only to the reasons presented in the appeal and in the protest. It also examines the case as it concerns defendants who have not presented an appeal or when no protest has been made for them.

Article 172

/Way of Solving the Case/

The court of second instance, after the examination of the case, decides:

1) to leave the decision in force;

2) to annul the decision and to end the case when the instances covered by article 71 of this Code exist, or when it is considered that the decision

has no basis and that new evidence cannot be obtained from supplementary investigations and from the rejudgment of the case;

3) to annul the decision and to send the case for supplementary investigations or for rejudgment;

4) to annul the decision and to send the case to the appropriate court, when it is considered that the decision taken was unjust or when the authority of the court, that had to examine the case, has been exceeded;

5) to modify the decision.

In the situations stipulated in points three and four of this article, the case is sent to the same court for reexamination by another judicial body, or, according to the case, to another court of the same category.

Article 173

/Reasons for Annulment or Modification of Decision/

The reasons for annuling or for modifying the decision are:

1) lack of bases of the decision in regard to the evidence and the law;

2) the unsuitableness of the extent or of the kind of punishment;

3) the serious violation of procedural rules.

Of course, the decision is annuled because of serious procedural violations when:

1) the composition of the judicial body is not in order;

2) the court, although the conditions stipulated in article 71 of this Code existed, did not decide to end the case;

3) the case has been judged in the absence of the defendant, though this is prohibited by the law;

4) the case has been judged without the participation of the defender, when this is compulsory;

5) the indictment has not been handed over to the defendant or the accusation has not been made known to him.

6) one of the procedural documents, stipulated in article 33 of this Code, is missing.

Article 174

/Nonaggravation of Defendant's Position/

It is not allowed to change the classification of the act with an article covering a more severe punishment or with an act of a more serious offense, as well as to give a more severe kind of punishment or to extend it.

When a protest has been made by the prosecutor or an appeal by the accusing injured party the court of second instance has the right to annul the decision and to send it for reinvestigation or rejudgment, even though the position of the defendant is aggravated.

Article 175

/Investigation and Reexamination of the Case After Annulment of Decision/

The court of first instance and the investigation organ, after the annulment of the decision, are obliged to implement the orders mentioned in the decision of second instance. They have the right to collect new evidence and make their own evaluation.

The court of first instance, in the reexamination of the case, can increase the extent of punishment previously executed only when:

1) the decision has been annuled as a result of the prosecutor's protest or as a result of the accusing injured party's appeal because the punishment given has been mild;

2) new aggravating circumstances have emerged from the supplementary investigations;

3) at the conclusion of the supplementary investigations, the act of the defendant is classified according to another article of the Penal Code, an article that brings a more severe punishment than the one covered by the article previously executed.

Article 176

The court of second instance, in its decision, makes the necessary observations about the shortcomings and defects noted during the investigation and examination at first instance, which are reported to the court of first instance, as well as to the investigating organs.

Article 177

/The Court Decision Takes Final Form/

The definitive decision of the court takes final form when, within the deadline, no appeal or protest has been presented.

The decision, against which an appeal or protest has been made, takes final form from the moment it has been left in force by decision of the court of second instance.

The decision, against which no appeal or protest is allowed, takes final form immediately after its proclamation.

Article 178

/Appeal of Nondefinitive Decisions/

Against nondefinitive decisions, taken by the court or the judge alone, before or during the examination of the case, appeal or protest can be made together with the definitive decision, with the exception of the instances explicitly stipulated in this Code.

The appeal or protest does not suspend the examination of the case or the execution of the decision, with the exception of the instances when the court decides to release the defendant ahead of time, conditionally, or to return the case to the investigating organ, or other cases, when the courts of first instance and of second instance deems it necessary.

Appeals and protests against nondefinitive decisions are examined in council by the court of second instance, with the exception of the instances when the court itself deems it necessary to examine the case in the judicial session.

Chapter IV

Monitoring of Decisions in Final Form

Article 179

/Demand for Protection of the Law/

When other data which show that decisions are baseless are discovered or appear, demands are exerted for the protection of the law against definitive decisions in final form.

The president of the Supreme Court and the Attorney General have the right to exert the demand for the protection of the law.

Article 180

/Deadlines for Requesting the Protection of the Law/

The request for the protection of the law can be presented at any time.

The request against the decisions of not guilty and against the ceasing of the case for penal violation can be presented within 5 years from the day the decision has taken its final form.

Article 181

/Right To Suspend the Execution of a Decision/

The president of the Supreme Court and the Attorney General have the right to order the suspension up to two months of the execution of the decision that has taken a final form. The order of suspension also interrupts the continuation of the execution of the decision.

Article 182

/The Court that Examines the Case Requesting Protection of the Law/

The case of the request for protection of the law is examined by the penal or military collegium of the Supreme Court.

The plenum of the Supreme Court examines the requests against the decisions of the relevant collegiums of the Supreme Court.

Article 183

/Examination of the Case on the Request for the Protection of the Law/

The examination of the case requesting the protection of the law by the collegiums of the Supreme Court is carried out in accordance with the rules stipulated in articles 168-174 of this Code.

Article 184

The case on the request for the protection of the law against the decision of the collegiums of the Supreme Court is examined by the plenum of the Supreme Court with the participation of the Attorney General; when it is necessary, the other participants of the penal trial can also be asked to attend.

The examination begins with the presentation on the request for the defense of the law and, afterwards, following the discussions and the presentation of opinion of the Attorney General, the plenum makes the decision.

More than one-half of all the members of the Supreme Court must take part in the plenum; its decision is adopted by a simple majority of votes.

Article 185

/The Manner of Solving the Case by the Collegium or Plenum of the Supreme Court/

The collegiums or plenum of the Supreme Court, following the examination of the case, decides:

1) to leave the decision in force;

2) to annul the decisions of the court of first instance and of second instance and to return the case for reexamination or for new investigations;

3) to annul the decisions of the courts of first instance and of second instance and to solve the case at the base;

4) to annul the decision of the court of second instance and to send the case for examination to the same court;

5) to annul the decision of the court of second instance and to leave in force the decision of first instance;

6) to modify the decision of the courts of first instance and of second instance.

Chapter V

Execution of Decisions

Article 186

/Putting Decisions Into Execution/

The definitive decision of the court is put into execution immediately after it has taken its final form.

The decision of not guilty, the decision on the exemption of the defendant from punishment and the decision to end the case are executed immediately after their announcement.

The person sentenced to death has the right to appeal for pardon to the Presidium of the People's Assembly. The decision on the death sentence, whether or not the person sentenced has appealed for pardon, cannot be put into execution before its examination by the Presidium of the People's Assembly.

Article 187

/Dispatching of the Decision and Notification of Its Execution/

The court, which made the decision, sends it for execution within 3 days of the date that the decision has taken final form.

When the execution [of the decision] begins, the organs entrusted with this task must notify, in writing, the court which has made the decision.

The court is obliged to inform the enterprise, the institutions and the social organizations that it has put into execution the decision, when compensations for damages have been established in their favor.

Article 188

/Organs that Execute Decisions and the Manner of Execution/

The decisions, calling for punishment by social reprimand or those which contain educational measures, consisting of entrusting the person to the educational care of the collective or of the social organizations are implemented by the court.

The decisions calling for punishment by fine, by reeducation through work and the obligation to pay compensations, are executed by the office in charge of the execution of court decisions.

The decisions calling for punishment by removal of freedom, punishment by death and punishment by confinement and banishment, as well as the decisions on medical measures and on educational measures, consisting of placing the youth in an educational institution, are executed by the internal affairs organs.

The decisions, calling for punishment by removal of honor titles and of decorations, as well as the prohibition to exercise an established activity or profession and by the deprivation of the right to vote, are executed by the Presidium of the People's Assembly and by the executive committee of the district people's council.

The manner of execution of the definitive decisions of the courts is regulated by special provisions.

Article 189

/Postponement of the Execution of Decisions/

The postponement of the execution of a decision on punishment is carried out by the court at the request of the defendant, of his counselor or of his legal representative, the prosecutor, the work center or the social organization only in those cases when the execution of the punishment has not begun.

On the presentation of the request, the court has the right to suspend the execution of the decision until its examination.

The court, with the issuance of the final decision, can decide to postpone the execution of the decision.

No appeal or protest is allowed against the decision on the postponement of the execution.

Article 190

/Reasons for Postponing the Execution of Decision/

The court can decide to postpone the execution of the decision on punishment in the following cases:

1) when the condemned suffers from a sickness which prevents the execution of the decision; on this occasion, the execution is postponed until the recovery of the condemned;

2) when the condemned is pregnant and this situation hampers the execution of the punishment; in this instance, the execution of the decision is postponed up to 2 months after the birth; the postponement of the execution of the decision can be extended up to 9 months, when the woman is a nursing mother;

3) when the immediate use of punishment can cause consequences especially serious for the condemned or for his family because of special circumstances or because of special conditions of his situation, such as fire, serious sickness or the death of the sole person of the family capable of working and so forth; the postponement of the execution of the decision, in these cases, cannot be extended more than 3 months;

4) on extraordinary occasions, when the immediate use of the sentence of punishment can harm state or social interests, in these instances, the execution of the decision can be postponed for up to 3 months.

Article 191

/The Prosecutor's Monitoring of the Execution of Decisions/

The prosecutor's office has the right to exert its control over the lawfulness of the execution of decisions.

Article 192

/Conditional Release Ahead of Time/

The court, taking into consideration article 39 of the Penal Code, can decide to release a person ahead of time, on condition, when the condemned has completed not less than one-half of the sentence.

In special cases, the release ahead of time, on condition, can be authorized even before one-half of the sentence has been completed.

Article 193

Release ahead of time, on condition, of the persons sentenced to punishment by deprival of freedom and to punishment by reeducation through work is

decided upon by the court by request of the prosecutor, of the appropriate organs entrusted with the execution of decisions at the place where the punishment is being carried out, of the state organs or of the social organizations of the residential area of the condemned.

Article 194

/Sending the Condemned to Special Institution/

When it is established that the condemned suffers from a serious incurable illness, the court, by request of the prosecutor or of the organs of execution of the place where the punishment is being carried out, decides to send the condemned to a special psychiatric institution or to another institution, or decides to release him.

The period spent by a person sentenced to punishment by deprival of freedom at a healing institution, because of mental illness or because of another sickness, is calculated as punishment time.

Article 195

/Modification or Removal of the Medical Measure/

When, during the execution of the medical measure, the health of the condemned has been improved to the extent that it does not present, any more, a danger for the society, the court, by request of the medical institution or of the prosecutor, decides to modify the medical measure or to remove it completely.

Article 196

/Replacement of Punishment/

The court, by request of the prosecutor or of the executor of court decisions, when it is established that the condemned is avoiding, without reason, the execution of punishment, can decide to replace punishment by reeducation through work with punishment by deprival of freedom and punishment by fine with punishment by reeducation through work.

Article 197

/Supplementary Decisions of Court/

The court, by request of the prosecutor, of the organs of execution and of the condemned, has the right to examine and to solve, by supplementary decision, any mistake or anything that is unclear appearing during the stage of the execution of the decision, in the event that they do not affect the content of the decision.

Article 198

/Regulations for the Examination of Cases Appearing During Execution of Decisions/

The examination of the cases that we mentioned in articles 189, 192, 194, 195, 196 and 197 of this Code is carried out in accordance with the general rules.

The condemned person, the legal counselor and, when the case arises, his legal representative are asked to attend the judicial session. Their absence does not obstruct the examination of the case.

The court of the place where the condemned is executing his punishment has the power to resolve the above cases.

Against the decision of the court, appeal and protest can be made, as stipulated in articles 189, 192, 193 and 194 of this Code.

Article 199

The Code of Penal Procedure of the People's Socialist Republic of Albania, approved by the People's Assembly by Law No 1650, of 30 March 1953, and which came into force on 1 June 1953, with all its subsequent additions and alterations, as well as any other provision which comes in contradiction with this Code, is abrogated.

Article 200

This Code comes into force on 1 April 1980.

Tirana, 25 December 1979.
No 6069.

Tel Mezini, Secretary of the Presidium of the People's Assembly of the People's Socialist Republic of Albania

Maxhi Lleshi, Chairman of the Presidium of the People's Assembly of the People's Socialist Republic of Albania

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DUTY TO PROTECT COMMON PROPERTY DISCUSSED

Tirana ZERI I POPULLIT in Albanian 4 Apr 80 p 1

[Editorial: "The Protection and Development of Common Property--A Duty for Each Person"]

[Excerpts] More and more, the conviction is being created that the problem of the development, protection and good administration of socialist property is a permanent duty for all, for the basic party organizations, the mass organizations and the state organs.

However, we must admit that we still see attitudes and actions which are foreign to our proletarian ideology and morality in the field of property; the question of its protection is not regarded by all as a major problem and some people still have a narrow understanding of the matter.

Socialist social property, as the party teaches, is expanded and strengthened, in the first place, by struggling to execute the tasks of the plan in all its quantitative and qualitative indicators. Every failure to fulfill the plan should be seen and treated in this light. Last year and during the first quarter of this year, in several branches of the economy, there were a number of enterprises which did not fulfill their plans. Shortfalls were created in several indicators and items. In most cases, these resulted from the fact that some cadres expected everything to be ready and did not monitor the contracts and others attempted to cover up defects by pursuing quantity, to the detriment of quality, variety, etc.

Shortcomings have been created in a number of districts in regard to the opening of new lands for agriculture. According to polls which have been taken, some machinery which was imported from abroad has not been utilized. Some other machines are not being used at full productive capacity. Some production or socio-cultural units are not being put into use on schedule because of defects in quality. Poor quality equipment, machinery and spare parts are being produced and, as a result, there are stockpiles of these articles. But whenever these things are mentioned, there is silence, no one responds. If you allow such things, if you produce poor quality goods and, as a result, a stockpile builds up or you increase production expenses,

this means that you are damaging property. This means that you have not understood the situation and that you are not working properly to deal with it.

We must not forget, the party teaches us, that the struggle for the protection and good administration of specialist property is a very important aspect of the class struggle which we must develop always, not only against our enemies but also among the people. Let us be vigilant and become barricades against anyone who, with his actions, damages common socialist property and let us always keep kindled the ideological struggle against concepts which foster foreign attitudes toward work.

The party teaches us that the broad masses of people should take the matter of property in their hands as its true owners, in order to stifle antisocialist and antistate manifestations toward property. The party central committee has likewise stressed that the basic party organizations should also fight against concepts which absolutize the role of educational and ideological work and which underestimate the role of organizational and administrative work in the struggle against those who damage, misuse or appropriate common property. We emphasize this because, as a result of lack of control, as a result of carelessness in the documentation of production and of distribution, cases of shortages and surpluses are not rare. Therefore, along with educational work, organizational and administrative measures should be executed rigorously.

CSO: 2100

YOUTH DAILY CARRIES ZHIVKOV SPEECH TO SYRIAN YOUTH

AU301218 Sofia NARODNA MLADEZH in Bulgarian 27 Apr 80 p 2

[Apparent text of speech by Todor Zhivkov, BCP Central Committee first secretary and State Council chairman, at the opening session of the Third Conference of the Syrian Revolution Youth Federation, held in Damascus on 23 April 1980]

[Text] Esteemed Comrade President, dear young friends, loyal sons and daughters of the Syrian people, (stormy applause]

I must frankly admit that I do not know how I happened to be among you. The great honor you are according to me (stormy applause) by inviting me to attend the opening of your congress together with Comrade Hafiz al-Asad, the president of the Syrian Arab Republic, is highly appreciated. (stormy applause and chanting) The preliminary program for our visit to Syria did not envisage my attendance at your congress and because of this, my speech was not envisaged either. Thus, I do not know whom I have to thank--the Syrian or the Bulgarian protocol department? (animation, stormy applause)

Of course, there is an answer to every question. In searching for an answer to the question why I am among you today I ask myself whether the real reason for my presence might be my youth, even if it is a rather advanced youth. (merry animation) As far as I know, modern medical science claims and and has shown that human life can be prolonged to approximately 140 years. As for myself I shall be 70 only next year. I can thus say that from this point of view I feel very young. (merry animation, applause)

Dear young friends, you and I, as well as all those who will learn about my presence at the opening of your congress will understand that our moving meeting is due, above all, to the friendship and comradely relations that exist between the Bulgarian and Syrian peoples. (stormy and prolonged applause, chanting)

We can once more convince ourselves what true friendship and fraternity means. Such feelings do not take any protocol into consideration, they take only the needs of the heart into account. True friendship, true

fraternal feelings are so strong and their force of attraction is so powerful that they break through the rigid framework of protocol and of official schedules and I think that this is wonderful! (applause)

My first expression of gratitude is addressed to Comrade Hafiz al-Asad for the invitation to join him at your congress. (stormy applause, chanting)

For this invitation, I must thank you too, young friends--on my own behalf and on behalf of our party and state delegation: for the wonderful and cordial welcome and for the kind words you addressed to the People's Republic of Bulgaria, to our people and to Bulgarian youth. All this can be attributed to your respect and affection for our motherland, for the Bulgarian people and for our youth. (applause, chanting)

The friendship and comradeship between our two peoples goes far back into the past; it began many centuries ago. In the national liberation struggle against the Ottoman oppressors our people created beautiful epic songs, featuring the fascinating image of the hero, the freedom fighter, who defends his suffering brothers with selfless loyalty and who courageously fights the oppressors. These songs are always talking about the manly courage of the hero and of his sharp sword "made in Damascus." (animation, applause) Well you see, the heroic Bulgarian heart and the sharp sword made here, in your capital by Syrian artisans--these two things always go together. (applause) These heroes of our folklore have inspired the Bulgarian people in their struggle against the five centuries of oppression and in their struggle against fascism and capitalism, until the victory of socialist revolution in 1944. (stormy applause)

These things, however, belong to history. Today we are endowing our friendship with new meaning, we are continuing and developing our friendship and comradely relations. My meetings with my friend Comrade Hafiz al-Asad, held in 1972 in Damascus and in 1974 in Sofia, as well as our present meeting have greatly contributed to the development of this friendship. I am convinced that we have built solid foundations for our friendship and cooperation. Our present talks with President Hafiz al-Asad which are proceeding in such a fruitful manner, will give a new impetus to the development of mutual relations between the People's Republic of Bulgaria and the Syrian Arab Republic. This is new history. (stormy applause, chanting)

Dear young comrades, like all other people--and I think that Comrade Al-Asad will agree with me on this point--we do not think we are eternal. However, let our friendship be eternal! We have laid the foundations. You, the young generation, of Syria and Bulgaria will perpetuate our cause, you will take over the banner of Bulgarian-Syrian and Syrian-Bulgarian friendship. (stormy applause, chanting)

I cannot fail to gladly remark from this rostrum that our talks and the negotiations during my stay in your country have proceeded as a brilliant demonstration of the Bulgarian-Syrian and Syrian-Bulgarian friendship.

These talks and negotiations have given a new impetus to the further expansion and intensification of our friendship and cooperation. They represent, at the same time, a contribution to our joint struggle against imperialism, Zionism and reaction. (applause)

We are struggling together for peace and security, for detente and disarmament. We hope that the efforts of our peoples and the efforts of all peoples throughout the world will not be in vain. They should not be used for the production of means of destruction and devastation. However, we will not put up with aggression, with the threats against our countries, with the political trend of those circles that are fanning hotbeds of tension, controversies and military conflicts.

Dear young comrades and friends, you are all devoting your efforts to overcoming the backwardness you inherited from colonialism, and to repairing the damage inflicted upon you by the imperialists and Zionists, you are devoting your efforts to building up a new life. Your country is the target of constant threats and is forced to devote great financial resources and efforts to the struggle against the provocators, the imperialists and Zionists, against those who are trying to encroach upon your sacred freedom, upon your life and your peaceful constructive work. However, dear young friends, you are not alone. All progressive mankind is standing behind you and at your side, our entire socialist community headed by the Soviet Union is behind you and at your side! (stormy and prolonged applause)

As for Bulgaria, I would like once more to assure you that we are proceeding side by side with you--in fair weather and foul! (prolonged applause)

From this rostrum I once again would like to set forth our categorical stand, which is as follows:

There can be no peace and understanding in the Middle East area, so long as the Arab territories, seized and occupied by Israel have not been liberated. (applause) These territories are sacred and inviolable and they belong to the Arab peoples alone! (applause)

There can be no peace and understanding in the Middle East, the so-called Middle East crisis cannot be settled, so long as the long-suffering and heroic people of Palestine have not implemented their national aspirations to create their own, independent state! (stormy applause)

This is precisely why we highly appreciate the consistent policy of the Syrian Arab Republic for rallying all anti-imperialist forces in the Arab world, for foiling the separatist deals of Camp David and for consolidating the steadfastness and confrontation front. (prolonged applause)

Dear young friends, we are living in an era of unrest, in an era involving great responsibility. However, it is at the same time, a great era. It is an era of powerful upsurge, of the strong advance of real socialism. It is the era of the progress of national liberation movements of the struggle

for the liquidation of exploitation, colonialism, neocolonialism, racism and apartheid, for the liquidation of all those things that oppress, humiliate and destroy man. Our victories, the victories of socialism, the victories of the peoples who have liberated themselves, or are liberating themselves, are following upon each other! (applause)

The progressive youth of the world is marching in the first ranks of this just and noble struggle! The young people of Bulgaria and Syria are marching in the front ranks of this struggle! I will take the liberty of quoting a few verses written by our revolutionary front Khristo Smirnenski, who died more than 50 years ago, at the age of 24, of tuberculosis. His verses have inspired and educated and are still inspiring generations of fighters and builders. He wrote as follows: "The arduour of young souls is sufficient to break the last chains oppressing our native soil"! (applause)

May the progressive youths of the world devote their energies, their ardour, and their efforts, the flame of their hearts to the cause of peace, detente and social progress so that this cause may be victorious! (applause)

Dear friends, our party and state delegation is returning to Bulgaria tomorrow. We are going back deeply convinced that your policy is correct, that your cause is just. I would like to stress once again the exceptional contribution of my friend Comrade Hafiz al-Asad, president of Syria, to the triumph of this cause. Comrade Al-Asad is not only the leader of the Syrian people, but he is also an outstanding fighter for peace and detente, for the victory of the just Arab cause. (prolonged applause and chanting)

I congratulate you with all my heart on your third congress and wish you fruitful work. (applause)

From this rostrum I would like to convey to all Syrian youths the greetings and wishes for new successes in their studies and in their work, in their struggle to build new Syria, in their struggle against imperialism, Zionism and reaction! (everyone stands up, stormy and prolonged applause, chanting)

CSO: 2200

BRIEFS

U.S. OPERATION IN IRAN--Sofia, April 28 (BTA)--The RABOTNICHESKO DELO daily emphasizes that the air-borne failure in Tehran is a stage of escalation extremely dangerous for international security. It is emphasized in a signed commentary that the aim of the Carter doctrine, which has been practically applied in the flagrant military action against Iran, is the world domination, the world hegemony of the United States. It is pointed out that there is no period after World War II. when the West European states "have been so strongly stuck in the screw-press of Atlantic solidarity with the USA," and to have fulfilled the commitments forced on them by the USA with such a clear reluctance. RABOTNICHESKO DELO points out that the West European countries' yielding to the U.S. pressure may drag them in armed conflicts. The commentary reads: "Because of their selfish interest and careerist targets the U.S. leaders are ready to play fast and loose with mankind's fate. [Text] [AU280955 Sofia BTA in English 0855 GMT 28 Apr 80]

VANCE RESIGNATION--Sofia, April 30 (BTA)--Under the above headline Mr Ioan Mateev comments in RABOTNICHESKO DELO on the resignation of U.S. State Secretary Cyprus Vance. According to the author, this fact is an unambiguous protest against the act of piracy in Iran, a rare precedent in America's political life and a proof of its deep crisis. The news analyst notes that Mr Vance's resigning was prompted by a disagreement in principle on the means and methods of pursuing the U.S. foreign political course, as well as by differences in evaluation and conclusions on the international situation. Mr Mateev stresses further that Mr Vance's 'move' is not merely an expression of an individual position, that he expresses the views of a wider circle of more soberly thinking American politicians, who are fully aware that the policy of confrontation, the policy 'from the position of force,' of dictatorship, has had its day beyond retrieve, that the dialogue, especially with the Soviet Union, with real socialism, is an indispensable necessity and not a matter of taste. The author stresses in conclusion that, irrespective whether Washington has been learning or not its lesson from the noisy fiasco of the brutal aggression, the grave consequences are having already their say. [Text] [AU301000 Sofia BTA in English 0833 GMT 30 Apr 80]

CSO: 2020

15TH PLENUM ON PROPAGANDA, MASS MEDIA

Speech by Jan Fojtik

Prague RUDE PRAVO in Czech 28 Mar 80 pp 3, 4

[Text] The report delivered by comrade Vasil Bilak poses large and difficult tasks for all communists, but especially for us, the ideological workers.

Drawing on the lessons learned from the crisis developments in the Party and society following the Thirteenth CPCZ Congress, reports of the Presidium at the Fourteenth and Fifteenth Congresses, at the November 1974 and March 1978 sessions of the Central Committee, and at a number of important speeches of the General Secretary of the Party Central Committee, Comrade Gustav Husak, have clearly defined, overall and for specific sectors, the objectives of political-educational and ideological work in the given internal-political and foreign political conditions within which we are implementing the policies and intentions of the Fifteenth Congress in the economy and other sectors. These reports, precisely with regard to the needs and requirements of the existing situation in which we find ourselves and in which we are getting involved, demonstrate the necessity of a substantial improvement of political-educational and ideological work, and its firm connection with the practical tasks of the further construction of a developed socialist society and with the historical struggle waged by the world's revolutionary forces for the victory of the ideas of Marxism-Leninism and scientific socialism.

What may be extracted from the report without risking oversimplification? What is especially important for us? Perhaps the evaluation of the past decade, a period in which the Marxist-Leninist internationalist line of Party policy was renewed and strengthened at its foundations? Perhaps the emphasis placed by the report on the responsibility to continue with this principled policy by not ahlowing for any changes or questioning of it which mighr result from a disconcerted search for ways out of the various difficulties which have begun to trouble us?

Or perhaps it is necessary to extract from the report, first, its approach to the analysis of current problems and to the mobilization of greater

accountability, discipline and decisiveness in implementing the directives of the party, federal agencies and national economic plans? Perhaps the way in which it directs attention, despite all shortcomings, to constructive, active, united effort, to creative thinking, to the bold resolution of problems? Or the educational significance which it perceives in a positive example? Or its emphasis on the meaning, for the success of ideological persuasion, of conscientious work, which reveals itself not in exhortations and slogans, but in quality products for market, in an orderly workplace, in the maintenance and beautification of residential areas, in the conservation of the environment, in positive results from studies and in the application of scientific discoveries?

Or, are we to perhaps give first priority to the way in which the report extols the role of communists? Or the emphasis which it places on the conduct of supervisory workers? Or the way it emphasizes the meaning of unity in our ideas and acts for the authority of the party, the state, socialist ideology; so that no one can accuse us of saying one thing and doing another, of not following ourselves regulations, Leninist norms, or, if I might use the image of an anonymous person, that some preach the drinking of water and drink wine themselves?

Or perhaps, if I am to continue with this enumeration of themes, we ought to pay attention first to the significance the report attaches to the political-educational and ideological work fundamental to the overall activity of the party, to the activity of all accountable workers and management units of the state and the economy, of all party organizations and national fronts, of all representative agencies? Or, as the report urgently reminds us, that this work of ideological education must be a matter for the whole party, state and all organizations of the socialist political system, just as Comrade Suslov asserted in his famous speech to the conference of the Communist Party of the Soviet Union on ideological questions.

And finally, isn't the most important point of all the organized manner in which the report organizes the correlation of the domestic and foreign aspects of our policy and the way in which it emphasizes the unity of national and international events?

The way it points to the external conditioning factors in our efforts, to the vital significance of our fraternal ties to the Soviet Union, the strengthening of the unity of the countries of the socialist community, the way in which it leads us to still greater vigilance with regard to imperialism and consequently advocates a very responsible, principled approach to the ideological offensive with which the countries of the socialist community, in accordance with the principles of proletarian and socialist internationalism and with extraordinary care regarding the future fate of detente, are reacting to the intensified, adventurist course of the American government and the reactionary forces of imperialism, to the threat represented by unbridled anticommunism and antisovietism to peace, democray and social progress in the world?

And it would be possible to continue to ask such questions. The report contains a whole series of proposals of great importance. We now see our first responsibility, I am speaking for the propaganda and agitation sector, the mass communications media, as the thorough study of this report and the carrying out, in the coming weeks (2 to 3 months), depending on the time allotted to us, of its conclusions, incorporating all the proposals into a system of measures, the gradual implementation of which should contribute to a further increase in the sophistication of party propaganda and agitation, the influence of the mass communications media. I think that the report requires from us neither a turn to the left or the right, nor an unconsidered leap, but conscious, responsible work in which it is possible to depend on current results and verified experience. I have in mind both our own experience and that of fraternal parties. To date our weak side has been the generalization of experiences and the elimination of shortcomings which stems from such generalization, as well as the creative, intelligent incorporation of the experiences of others. We have some catching up to do in this area. I shall mention one matter at least: our insufficient utilization of the experiences of the Communist Party of the Soviet Union in the organization of party education and political education generally. They have applied a very effective but also demanding system there. For example, they insist very strictly that everyone, without exception, take responsibility for his own systematic ideological growth, his ideological reinforcement and armoring, and that all leading economic personnel complete this instruction, as much as possible at high levels and rigorously. Certainly not because the workers of precisely this sector would expect some special privileges. Or that someone from the ideological sector would in some way wish to complicate his life. But because they absolutely need a high level of political education in their responsible work, and because they are the ones for whom there is the danger, due to their extraordinary daily work load, that they would not find time for it under normal conditions, that is under conditions which typically, in our country, are seen as not leaving a place for political education.

What we need most of all now is a conscientious, sleferitical attitude on the part of all responsible workers in the sectors of propaganda, agitation and communications media to their responsibilities, a committed attempt to achieve ever improved results in the explanation of the theoretical and ideological bases of Party policy, in all of those demanding, but responsible activities on which to a large degree depends the internalization of Marxism-Leninism by party members and candidates, the systematic preparation of the party for mass political-educational activities, and the way in which our citizens, including those young people who are preparing for their occupation or for entering civic life, are informed concerning our policies, how they understand them, comprehend their objectives and the foundations on which they rest. We are well aware of this responsibility. The informational materials which respective departments have prepared for this session show that what I have just said is not mere assertion. Under the direct guidance and systematic control of the Secretariat of the Party Central Committee extensive work has been undertaken

in past years directed at an improvement in the quality of party propaganda, agitation and the activity of central communications media; special attention has been devoted to the administration of these sectors, to their personnel, material-technical needs and modernization. We can say that there are enough people working here, that the network of organizations and institutions which has been constructed is not a small one. I am not bringing this up because I think in any way that enough has been done on our part. On the contary, as tasks have increased, so have demands grown for political-educational, ideological work and we are seeing more clearly the numerous shortcomings, concerning which Comrade Bilak has remarked with complete justification.

For our part we must see that, figuratively speaking, the mill which is now functioning, and functioning adequately, does not grind thin air. And here in our area, more noticeably than ever in the past, the issue of greater efficiency and quality presents itself. For if there is damaging formalism in any of our political work, I refer to the report on this matter, it is twice as damaging in ideological work. We must always keep in mind the content viewpoint, the purpose and sense of our activity, i.e. the mobilization of workers in the fulfillment of the tasks which require from them conscious activity and initiative, creative thought, decisiveness and the will to overcome obstacles and fulfill responsibilities. I do not, however, want to create the impression that we simplify our work so pragmatically. We are well aware that the basis of work, civic activity and human iniciative is much more than a momentary comprehension of the responsibility for fulfilling a specific task. We are engaged in the formation of a permanent, active life position for a person, with which he can approach every problem which he meets in life. Its source is socialist conviction, and in a broader sense, a scientific world view. This world view is, understandably, a matter of theoretical study, just as its development is a matter of creative theoretical work. The life experience of each individual, however, exercises the determining influence in the formation and internalization of this view in each person. This experience is especially sensitive to negative phenomena, as, clearly, is our psyche. The generalization of life experiences, their fixation in the individual consciousness, could be considered only by naive people as the direct result of propaganda and agitation, as a fruit of ideological persuasion alone. Marxism has always made fune of such primitivism, and rejected preaching and powerless doctrinaire statements. This is spoken of clearly in that part of the report which discusses the conditions for the formation of socialist man and a socialist way of life. It justly refers to the great responsibility of the practical implementors of party policy at federal, economic and social levels and at the same time points out the significant, truly irreplaceable and creative power of intensive and purposefully systematic, ideologically educational work, which must be strictly and rigorously organized and in whcih there can be no question of factionalism or reliance on the automatic influence of the external conditions of human life, socio-economic changes or changes in the material-technical basis.

An underestimation of systematic ideological work disguised, as a rule, as improvisations for effect and noisy campaigns, the effect of which is often problematical, logically leads to a dangerous revival, strengthening and renewed modifications of all kinds of bourgeois and petty bourgeois conceptions and habits related to the usual, the most banal undertakings in the life, thoughts and behavior of a person. These survivals, especially when they are hidden by an external adaptation to a new order, represent a serious obstacle and in certain situations, as we found out in the sixties, even a threat to the development of socialism, the formation of socialist man and his new style of life. It is no accident that our enemies are betting on these people, on hopes of deforming our life and setting us back. Such people are their objective helpers, whether in the gross form of inconsiderate selfishness, asocial behavior or destructive activities which may be legally punished, or in the refined form of philosophical individualism, nationalism, or the respect for the so-called freedom and democracy of the West, towards all of those idols which revisionists, including the contemporary Eurocommunists, want to drag into socialism. The fact that socialism is decisively overcoming this deadweight, that it is creating, gradually and, at the beginning, in a very intense class struggle, new interpersonal relationships based on a respect for work and the working man, on an thrifty relationship to social ownership, on the consciousness of a legitimate community within a socialist homeland, on values which fulfill the spirit of the ideals of freedom, democracy, social equality, national and racial equality before the law, the equal position of men and women; the fact that socialism considers the basis of its policy to be, even in view of limited resources, a magnanimous social policy which cares for the child as well as the person who can no longer work, and for the healthy physical and psiritual growth of the individual; a policy which guarantees to all the application of their most basic right, the right to work, that strives for that most valuable goal, that everyone can look forward to a peaceful life and the enjoyment of that great, invaluable happiness; by all of these things socialism defines the seriousness and striking force, the attractiveness and superiority of its ideology. The working man is becoming ever more strongly convinced through experience that this ideology, the ideology of the revolutionary working class, is his truth, that it is the truth for all honest people, and as he becomes acquainted with it, naturally in a gradual way and mediated in accordance with his own life experiences, with its theoretical fundamentals, he becomes closely identified with all the programmatic goals of our policy, worked out on the basis of this revolutionary teaching. We are aware, however, that this is a complicated process, this struggle for the thought processes of the individual and how groundless it would be to idealize it, to replace wishes for the reality of how many obstacles stand in its path. We also know that its fundamental element is the creation of a new, conscious relation to work, to social ownership, to social, labor and civic responsibilities. Lenin called this an epoch-making task, and attached to it the greatest importance in the organization of a new life after the overthrow of the exploiters and the installation of the working class, the power of the people. And he considered this the most difficut task, far more difficult

than carrying out the revolution itself, precisely because it required the overcoming of a whole complex of deeply rooted bourgeois and petty bourgeois conceptions, habits, traditions and survivals in the thought processes of people, all characterized by unusual longevity and adaptibility.

Positive educational work is unthinkable without this persistent battle with the past, which wants, by all imaginable means, to catch the future and assimilate it to itself, just as its success is unthinkable without a new method of economic management and labor organization which assures the necessary material and spiritual potential, greater productivity and efficiency and the basis of which is the creative activity of work collectives, responsible socialist managers, and their united efforts directed by the plan. Why am I calling attention to all of these well known realities? Because they remind us again and again of the need to constantly relate ideologically educational and politico-organizational work, to relate ideological work to the practice of socialist construction as a whole, and that their intensive influence is important and necessary especially in those areas where it is necessary to oppose opportunism in practice, various centrifugal tendencies, regional patriotism, low demands on the work of people, the tendency to give alibis, various petty bourgeois phenomena, efforts to live at social expense, etc.

Where we meet with indifference to such pehnomena or even with the overlooking of the way in which various elements attack socialism, sow mistrust and panic, defame our institutions and slander the policy of the party, we definitely cannot assert, that all is in order in relation to our propaganda and agitation, even though we could produce, for such areas, proof of the necessary numbers of agitators, information dispensers, propagandists and lecturers, as well as proof of the activities of homes and offices of political education and institutions of party instruction.

It is the responsibility of our propaganda and agitation (here I am thinking of those forms of agitation characteristic of the proven means by which the party could always, when the need arose, influence people, that is through mass political work, principled, open conversation with people as in public meetings and production consultations) not to overlook any negative phenomena and tendencies, not to act as if they do not exist. The most effective approach is, nevertheless, the one which not only does not fear the exposure of a problem, but which above all is able to convincingly set an example of an active, productive attitude and demonstrate the ability of the respective elements to resolve a specific problem, overcoming it for the benefit of society.

Is this to say that where propaganda does not see such an example, for whatever reason, that where it is not to be found propaganda necessarily loses a firm basis, in those places, for its influence, for its politico-educational task, and that in these places we must necessarily go on the ideological defensive? Certainly not. There are enough arguments in

favor of socialism in our reality, even in view of all the problems which we have, which life has caused, which we have brought about by our own mistakes or which have an objective basis, although people still as a rule consider them to be the result of our subjective errors. However much we are upset by the many shortcomings in the creation of material resources, in the market, in services, the area where they are most sensitively felt, we see no reason to lose perspective, to forget about what socialism has brought, from the qualitative viewpoint, to the position and dignified life of the working man, things which will be further strengthened and developed in the future. Even more so, since we can speak of these qualities of the socialist way of life (which the Presidium report describes in detail and in a way useful for our propaganda) with the full knowledge that the level of development which we have achieved solely in the areas of increased economic growth and consumption corresponds to the rigorous standards of developed countries, and if connected to our overall social policy, with thepotential for the development of the spiritual forces of the workers, this development has in many respects progressed farther than would be possible in a much richer country.

Our propaganda is not now in a position of having to narrow its field of view. Under no circumstances can any negativism be allowed to penetrate it, any generalization of the views and outlooks of a person, whose whole view has suddenly been obscured by clouds, who has begun to panic and look for a place to hide.

An aggressive approach is the more important, because in order to overcome shortcomings which really cannot be minimized and with which it will be difficult to come to terms, the Party Central Committee and relevant agencies are mobilizing the whole party and all workers, and active steps are being taken to resolve problems, with the knowledge, at the same time, that the consciousness of the masses and also responsible management workers will be mobilized. The most important of these steps is the system of measures for the improvement of planning and national economic management. Comrade Bilak spoke in more detail about economic propaganda. He also noted all the basic and essential points of an urgent approach to the broad dissemination of theprinciples of the new measures, to an explanation of their inestimable political significance, and to their, if it is possible to so describe it, ideological support, which contributes to their consistent implementation. We now see one of the main directions of our work as this application of propaganda, agitation and communications media. And we are convinced that we will not limit ourselves to solely practical measures connected to the functioning of the economic mechanism.

It will undoubtedly be as well a good opportunity for a more profound explanation of a number of basic issues, which it is time to discuss in more detail. Each of us must comprehend that the economic laws of socialism are inexorable, that frugality and material interest and everything connected to it are categories specific to socialism, just as mass initiative and activity are specific to it, along with work collectives, the role and responsibilities of which must further increase.

In conclusion I want to mention very briefly the character of our propaganda and agitation, our politico-educational work among the masses. What should it be and what should be expected from it? I shall help myself with Lenin's characterization of Marxism. "The irrepressible, attractive force with which this theory influences socialists of all countries", wrote Lenin, "rests precisely in its unification of a strict scientific outlook of the highest order (as the last word of science on society) with a revolutionary essence...". And similarly in another place: "Marxism...grandly unifies absolute scientific sobriety with the decisive recognition of the significance of revolutionary energy, revolutionary creative forces, the revolutionary initiative of the masses...".

It is clear what we must require of our propaganda; that it draw the force of its argumentation and influence from that profound understanding of reality, from the careful study of materials, from those generalizations which have been arrived at by contemporary Marxist-Leninist science. It must not submit to the temptation of yielding to phrases and cheap assertions which have no basis or are even contradictory of reality. A knowledge of the issues about which he writes and in which he engages is an essential requirement for every propagandist, lecturer, publicist. It is also a matter of professional ethics to which we must strictly adhere, especially in the communications media. The person who misleads performs the worst service to the party and socialism. Nor can propaganda be accused of anything worse than of lies, lies of which, of course, it cannot be, and most of the time is not conscious; the basis of such lies can be simple superficiality, carelessness. Journalism has especially great responsibilities in this area, and we value most reporting which informs truthfully, enriches our awareness and is able to orient us in complicated situations, to grasp and explain domestic and foreign events with profound verity, from a class-conscious position and from the position of Marxism-Leninism.

The other basic characteristic of our propaganda, our party oriented socialist journalism, is related to this; the objective of performing a conscious service to the working class, the people, so as to assist in the awakening in the mass of workers of creative strength, to multiply their energies in the struggle for the implementation of the Party program, the ideals of socialism and communism. This characteristic finds its expression mainly in the fulfillment of the democratic function of the socialist press and communications media and the way that these media serve in the exchange of experiences and views, in influencing the strengthening and development of socialism.

We will increase the demands on our propaganda and journalism from this viewpoint as well. It is necessary only to add that the requirement for the belligerence of propaganda stems precisely from this relationship to the people, from this devotion to socialism, In the ideological battle, in the battle for communist truth, there is no place for diplomacy, compromise, liberalism, evasiveness. It is and must always be a matter

for us, that the masses of the people understand and trust the Party. And this is possible only on the basis of clear talk.

I would like to express the convinction that the session of the Central Committee on ideological questions, and especially the Presidium report, which was both critical and praiseful, critical of those areas needing criticism, and praiseful in those areas of selflessness and responsibility, will be important new motivators for us, the workers in the area of propaganda, agitation and mass communications media, for future work and for the decisiveness and will to further improve our work and to fulfill tasks and responsibilities entrusted to us by the Party with the greatest possible conscientiousness.

Speech by Zdenek Horeni

Prague RUDE PRAVO in Czech 28 Mar 80 pp 3, 4

[Text] The report of the CEntral Committee Presidium, delivered by Comrade Vasil Bilak, has outlined for us, compellingly and within a broad context, the ideological battle in which our society is engaged today and every day in many ways. It is a struggle of immense importance. It consists of a battle for the thought processes, for the consciousness of our fellow citizens. The condition of these thought processes, the status of social consciousness, has never been and can never be for we communists a matter of indifference, no matter what sector we work in, ideological or economic.

At this moment I have in mind that responsible task, in the ideological tasks of our time, which is carried out by those workers on the ideological front who have been entrusted with the communications media.

The report specifically praises the work of journalists, even though it points, with complete justification, to weaknesses in their work. It states that the party respects the workers of thepress, radio and television fortheir support and close cooperation. This is high praise, but also carries obligations.

On behalf of the workers in the RUDE PRAVO editorial offices I would like to announce, in relation to the evaluation of the role of the agency of the CPCZ Central Committee, that we mainly and above all comprehend this praise as a long term obligation to make of our party paper a still more effective assistant to the Central Committee in the implementation of party policy. We wish to thank the party leadership for devoting systematic attention to RUDE PRAVO including personal visits of party representatives and their speeches right in the editorial offices of RUDE PRAVO. The RUDE PRAVO collective guarantees the Central Committee that it will be worthy of the great responsibility which it has to the party and the Central Committee. We view the main sense of the revolutionary

heritage of famous generations of communist journalists, symbolized by the names Smeral, Sverm, Fucik, and others examples from the 60 year history of RUDE PRAVO, to be the service of the party and its policy.

The presidium report reminds us that our communications media during the 1970's underwent significant changes, which reflect the positive development in the whole party and society. Today it really seems quite improbably that there could have been a time when the tribunal of the Marxist-Leninist forces in our society was, all told, two and three periodicals.

We cannot, however, forget about this period, for we cannot forget about the realities recorded in the consciousness of the party and the people, and in the pages of the Instruction Document, that is, about the facts of the role which the communications media played in the crisis period. For the most part, the conclusions which have been made in this sector of our ideological front are well enough known. The journalistic organization has, on principle, broken off contact with those former members who failed to meet the harsh tests of that time.

When we look at the ensuing 10 years, I think that it is proper to look with satisfaction at this sector of the ideological activity of our party as well.

The party now, justifiably, makes it the responsibility of our journalists, just as all of society, to constantly increase the demands on their work efficiency. What was adequate yesterday is not enough today, because development places all of us into new and more complex situations. It is a question of always being able to find the right key to the intelligence and hearts of our readers and listeners, so that our fellow citizens always turn with trust to our sources of information, to our arguments, And this is an ongoing task for us, journalists.

The Presidium report has concretely pointed out the location of the weak points in our communications media. The press, radio and television must really assist more effectively in the implementation of Party economic policy, in the propagandizing of its world view, in communist education. We must admit that weak points really do exist in these areas. We, the editors of RUDE PRAVO, want to think about these and other requirements anew, just as the workers in other communications media want to implement them.

It is also of immeasureable importance that our communications media more readily react to problems which arise, that they provide documented answers to delicate and unpopular questions, and that they more aggresively meet the various rumors, intentionally spread by story and disinformation, whether these have been produced abroad or by rightist elements at home. The person who first gains the ear of readers and listeners has immeasureable importance. The one who provides basic information first, determines

to a great extent a point of view. It is necessary to admit, unfortunately, that we of the communications media are not always successful in this. It is also necessary, in all honesty, to say that this is not always the fault of journalists, and that the requirement to more readily inform the population, articulated in the Presidium report, applies as well to several of our central institutions. There are, sorry to say, also foulups in the work of our communications media. More than once we have been imprecise, unconvincing and, as they say, have been grinding thin air. At the Sixth Congress of the journalist's union in 1972, Comrade Husak told us that "Just as we are demanding in the production of shoes, textiles and other things, so must we be demanding concerning products of the head, intelligence and emotion, concerning theproducts of the mass communications media. Remember that your work is under the daily inspection of millions of people. Either it amuses them, gives them optimism and motivation, or it becomes indifferent and annoying. This is a reflection of good, or weak work, and therefore we must formulate rigorous criteria, foster professional pride in good, quality work in your sector as well. Even our newspapers and periodicals, our radio, television and film are indicators of our sophistication, our maturity."

In this regard, Comrade Husak used the expression that many articles and broadcasts, the content of which is basically correct, have little influece because they are in no way written with an intelligent pen, but with a mattock. Unfortunately, the mattock method still survives in the working methods of many journalists. It must be said to them that the word will not become more effective by being proclaimed more loudly or even vulgarly. In our position it is the strength of the ideas and argumentation that must be decisive, and never violent phrases.

The issue which the Central Committee of our Party is addressing today fully indicates the awareness of our Party and whole society of the significance of ideological work. We are reminding ourselves ever more emphatically that public opinion has become, in the life of our society, and in international relations, without exaggeration an immense political force, and that it is strategically important to utilize it through a powerful, efficient ideological apparatus. The Presidium report emphasized that in connection with scientific-technical progress it is essential to further modernize the material-technical basis of the press, radio and television. Much has truly been achieved in the area of radio and television technology, especially in the construction of new transmitters and the transition to color television transmission. Much has also changed in the printing industry. The Party leadership is devoting significant attention as well to the technical basis of RUDE PRAVO. This attention has made possible the publication of hugh press runs. On Saturdays this has reached 1.35 million editions, which is a press run unprecedented in our journalistic history. This year, thanks to the assistance and understanding of relevant party and Soviet organizations, construction will begin on new technology which will enable us to improve the quality of the editions of RUDE PRAVO for Moravia and Slovakia.

On this occasion I would also like to call attention to the immediate need for modernizing a part of the printing basis.

The Presidium report also emphasizes the role which creative organizations of journalists must play in efforts to raise the effectiveness of our ideological work. I think that I can justifiably announce on behalf of my comrade colleague journalists that our party enjoys the full support of numbers of the workers in the communications media.

The trust which was expressed in the workers of the communications media in the Presidium report of the CPCZ Central Committee pleases, and obligates, we journalists, both communist and noncommunist. We want to honorably confirm this trust through our committed publicistic work. We do not know a higher trust than that of the Party and the people. Our party can rely totally on us journalists.

9276
CSO: 2400

'PRAVDA' CITES BILAK ON 'STRUGGLE FOR PEACE'

LD281419 Moscow PRAVDA in Russian 25 Apr 80 p 4

[TASS Report: "A Reliable Guarantee"]

[Text] Prague, 24 Apr--The CSSR is a firm link in the socialist community. The main principles of Czechoslovak foreign policy--alliance and cooperation with the USSR--are the most reliable guarantee of the country's development, V. Bilak, member of the CPCZ Central Committee Presidium and secretary of the CPCZ Central Committee, stated. He was speaking at a conference of Czechoslovakia's ideological workers. We are linked to the Soviet Union by common goals and ideology, and we will permit nobody to encroach on this friendship, he stressed.

Despite the complexity of the present international situation, V. Bilak said, we are firmly confident that peace can be preserved. The struggle for peace, headed by the Soviet Union, the other socialist communist countries and all progressive forces, requires tremendous efforts.

We must mobilize all forces to strengthen peace. But for this it is not words that we need, but above all deeds. The new Soviet proposals on military detente, which are of fundamental significance for the radical lessening of tension in relations between states, are a concrete contribution to consolidating peace.

Touching on the tasks of ideological work, V. Bilak stressed that it is aimed at fulfilling the program outlined by the 15th CPCZ Congress. We will continue to educate the working people and young people in the spirit of Marxism-Leninism and form creative, active builders of a developed socialist society, he said.

CSO: 1800

JUSTICE MINISTER VIEWS JUSTICE MINISTERS' CONFERENCE ROLE

AU290902 Prague RUDE PRAVO in Czech 25 Apr 80 p 2

[Interview with Czech Minister of Justice Jan Nemec by Josef Jedlicka: "Cooperation in the Legal Field"]

[Excerpts] A few days ago a conference of the 13 ministers of justice of the socialist countries was held in Prague. We asked Comrade Jan Nemec, minister of justice in the Czech Socialist Republic, about the significance of such conferences and their specific contribution. He stated:

The basic contribution of such conferences lies in the process of integrating the legal codes of socialist countries with one another in the spheres where they still differ.

Question: Which delegations participated in the conference, and what was its program?

Answer: The Prague conference was the sixth in succession, since 1972. The participants may be roughly divided into two groups: the group that has been working since the first conference in Budapest, that is the socialist countries grouped in CEMA--Bulgaria, Cuba, Hungary, Mongolia, the GDR, Poland, Romania, the Soviet Union and Czechoslovakia; and the second group, consisting of countries that have gradually expressed interest in cooperating at a later date. In Berlin it was Vietnam and Laos; and in Prague Afghanistan and Ethiopia. In answering the first half of the question one must add that the problems of a gradual integration of legal codes with one another belong mostly to the sphere of the first group; whereas for the second group the role of exchanging experience in order to increase knowledge is far more important.

About the program: a regular part of the program is the basic item "topical questions of legal policy in the individual socialist countries"; the second item, always chosen--by custom--by the host country (this time the CSSR) from the wide range of suggestions by all participants was "family law and factual guarantees of the implementation, protection and development of children's rights and interests in the socialist countries."

The conferences of the ministers of justice of the socialist countries have a consultative character.

CSO: 2400

NEW HIGHER EDUCATION LAW APPROVED

Prague RUDE PRAVO in Czech 11 Apr 80 pp 1, 2

[Summary of an address by Matej Lucan, federal deputy premier to the Federal Assembly; date not given]

[Text] The CSSR government presents to this session an important new legal instrument for discussion and approval, namely, the Proposed Law on Higher Education which is to replace the still valid National Assembly Law No 19/1966, enacted in the year 1966.

The government has worked on this education ministry law for almost 3 years, in cooperation with other ministries, university representatives, and experts on practical problems in education. The Party Presidium, the federal and national governments, trade unions, and the Socialist Youth Union, have all devoted special attention to the proposed law. They carefully considered its principles, as well as the language in individual paragraphs, and the House of the People, the House of Nations, and the Czech and Slovak National Councils have approved it.

Our institutions of higher learning, scientific and educational specialists, students, and our entire public, await this law with great expectations. This reflects the important position which higher education holds in our socialist society, and the awareness of its reponsibility as a powerful social instrument.

It is the view of the CSSR government that the new law, as proposed, establishes all the legal prerequisites for the resolution of current and future problems in the further development of Czechoslovak higher education and in raising its professional level. The new law retains all those features of the old one which have proved beneficial in practical application but, simultaneously, provides new formulations for that which no longer satisfies current needs and future tasks. For this reason, it is in many respects non-traditional and chooses a new approach. Wherein is this principally reflected?

First, in that the proposed law creates better conditions for the leading role of the party in higher education, while strengthening the involvement

of top legislative and executive federal organs in this field. According to the new law, university-level institutions will be established, merged, or abolished by the Federal Assembly, and individual faculties by federal government edict, based on recommendations of the two national governments. The primary goal is to make sure that, in developing higher education, statewide and society-wide considerations are applied, and that this progress conforms to the needs of the national economy and other branches throughout the country for whose benefit the institutions of higher learning, in both national republics, train qualify socialist experts.

Secondly, in the area of higher education management, the proposed law is based on principles of democratic centralism, i.e., that which is applied in the management of our entire society. In accordance with this, there will be increased authority and responsibility of ministers, the two Education Ministries in management, and more precise definition of the rights, duties and responsibilities of rectors and deans in their management role. Generally, the status and function of higher education is raised, along with the rights, duties, and responsibility of rectors for the proper pedagogical, scientific, technological, economic, and organizational functioning of their institutions.

In their managerial role, rectors and deans will continue to rely on the scientific and artistic councils as their advisory and incentive organs.

The law also insures the participation of faculty and university organizations, teachers and students, i.e., trade and youth unions, in the managemnt of high education.

Higher education officials will be appointed for 5-year terms which can be renewed if their performance warrants.

As heretofore, rectors will be appointed by the CSSR President, vice-rectors and deans by the national education ministries, and assistant deans by the rectors.

The proposed law establishes a new position for the rectorate and the questor as executive organs of the rector for economic and administrative matters. Higher education officials will thus be able to devote themselves primarily to the educational process and the scientific and technological activity of the institutions.

Third, in comparison with the current law, the new proposal makes significant changes in the substance, organization, and formats of higher education.

The system of subject disciplines and the length of studies will be established by federal directives. Up to now, these matters had been under the jurisdiction of the national education ministries.

Under the present law, approving authority for study programs rests with the individual faculty deans. The proposed law transfers this authority to the education ministries.

Application of these principles in managerial practices is very important. It allows for better planning of study disciplines' selection in accordance with society's needs, and precludes their uncontrolled numerical rise or fragmentation resulting from parochialism of individual discipline chairs, faculties, schools or other institutions. These principles also create conditions for more effective relocation of disciplines at schools of the same or related orientation, thus bringing about more purposeful assignment of scientific and professional personnel, in the interest of high quality education. In this manner, uniformity of requirements and criteria as to the extent and substance of study, as well as the quality of graduates in the same discipline at different faculties, will be insured. At the same time, these principles provide prerequisites for control and evaluation of the instructional process in individual faculties and institutions of higher learning.

While the proposed law was being drawn up, great interest was evoked by the question of higher education completion and the awarding of academic titles. The intense interest in this matter is understandable, if for no other reason but that current laws have dealt with this question in an inconsistent and, in some areas, controversial manner.

The proposed law eliminates these shortcomings. Basically, it draws on existing principles of higher education completion, but is simultaneously anchored in a unified approach and criteria in the awarding of titles. Higher education will be completed in all faculties, except the medical and veterinary, in a uniform manner via the final state examination which consists of defending the thesis plus oral testing. Medical and veterinary studies will climax with a manadatory state doctoral examination. This exception is justified by the demands of these disciplines, tradition, and practical experience which has been, and still is, applied in our country, as well as in most other states with respect to the study of medicine.

Higher school and faculties teaching technological, economic, and agricultural subjects will, as they have heretofore, award the traditional title of engineer, after passing the state final examinations. Faculties of university orientation will award the title of doctor only after passing the state doctoral examination. There is no change in the new law with reference to higher schools of the arts.

This sytem is based on the tradition of Czechoslovak higher education, and on accepted usages throughout the world. An important change, however, in awarding the title of doctor at universities, is that this right will be given to all university orientated faculties, that conditions and criteria for state doctoral theses will be uniformly set by government decree, and that the timing for state doctoral examinations will be more flexible than it is now. University graduates will be able to register for the state doctoral examination either immediately after they pass the final state tests, or else at a later date.

Another important change in the new law with respect to awarding the title of doctor, is that higher schools of university orientation will be able to award this title after a shorter waiting period between the state final and doctoral examinations, to those graduates who had achieved excellent results throughout their study years, and had passed the state final examination with distinction. These measures are meant to act as an important stimulant for the achievement of the best possible scholastic results.

The title of doctor can be awarded even to those graduates of universities who had completed their studies under current laws and regulations. Requirements are established by government decree upon completion of higher education and state doctoral examinations.

Fourth, the proposed law offers more favorable conditions for better and more efficient use of the scientific and technological capabilities of higher schools, intensification of cooperation among the Academies of Sciencies and research institutes of the ministries, as well as for strengthening coordination between the educational process and practical application of knowledge.

The new law takes into consideration the need for deeper integration and more effective use of the intellectual capabilities and material means of the higher schools and scientific research institutions.

Fifth, the proposed law delineates more precisely the various categories of educators and, with respect to scientific and academic titles, introduces a uniform designation of professor, as opposed to the present titles of full and associate professor. It also resolves the acquisition of scientific and artistic academic titles in that it creates better conditions for allowing top outside professionals and scientists to contribute their talents and experience to higher education. This however, does not lower the criteria for the attainment of scientific and academic titles, since one of the basic requirements for the title of academic lecturer will still be the rank of candidate of sciences, while a doctorate of sciences is still required for a professorship. Nevertheless, in cases of specialists who have demonstrated their scientific capabilities in other ways, e.g., succeeded in socially important projects, have the necessary practical experience and talent for teaching, the law allows the higher schools to award them the title of academic lecturer or professor, even without the formal procedure of attaining such titles.

It is the view of the federal government that the proposed law, as presented here, creates all the prerequisites, under the leadership of the Party as the leading force in our society, to develop higher education successfully and raise its quality in accordance with the needs of building an advanced socialist society, and the needs of the scientific and technological progress. We are convinced that the proposed law will receive full endorsement and support from the academic community and wide segments of our public.

Federal Deputy Premier, Matej Lucan, then thanked all those who had actively participated in the preparation of the new law on higher education and, in the name of the Federal Government, recommended that the Federal Assembly approve it.

9496
CSO: 2400

BRIEFS

ANTIMONOPOLIST CONFERENCE IN LIBYA--Tripoli, 3 Apr--The large antimonopolist conference attended by more than 170 delegations from all continents--including a delegation from Czechoslovakia and delegations from other European socialist countries--ended this Thursday [3 April] in the capital of the Socialist People's Libyan Arab Jamahiriyah. The conference opened on 26 March. The conference, which was addressed by, among others, Major Jallud, prominent Libyan representative, and 'Ali Akbar Mo' Infar, Iranian minister of crude oil industry [as published], resounded in a spontaneous condemnation of the predatory policy of large international industrial companies, particularly those in which the power of U.S. capital is predominant. All speeches delivered at the conference, as well as all the documents it had worked out, represented a sharp criticism of the policy of monopolies and of imperialist states, above all the United States. The speech delivered by the Czechoslovak delegate, which expressed our stance in matters of the crude oil policy, attracted attention and was published in written form even prior to the end of the conference. The next antimonopolist conference is to be held in June 1981 in Venice. [Text] [AU081200 Prague RUDE PRAVO in Czech 4 Apr 80 p 7 AU]

CZECH NATIONAL COUNCIL MEETING--In accordance with the constitutional law of the Czechoslovak Federation, the presidium of the Czech National Council convened the Czech National Council's spring session for 1 April 1980. [Prague RUDE PRAVO in Czech 25 Mar 80 p 1 AU]

AFGHAN STUDENT ORGANIZATION--The Union of Afghan Students in the CSSR has been set up in Prague. At the constituent congress the Afghan students living in the CSSR expressed full support for the Central Committee of the People's Democratic Party led by Barbak Karmal and for the program of the second stage of the April revolution. In a document they adopted the Afghan students expressed high appreciation for the all-round assistance the Soviet Union has extended and continues to extend to Afghanistan. [Text] [Prague MLADA FRONTA in Czech 31 Mar 80 p 2 AU]

NEW DEPUTY ELECTED--A session of the Central Election Commission of the National Front, which was held in Prague on 1 April, discussed and approved a report on the outcome of the by-election in the Chamber of the People's Constituency No 165 held in the Central Slovak region on 29-30 March. Marie Kontrlikova was elected deputy of the Federal Assembly's Chamber of the People. [AU051122 Prague RUDE PRAVO in Czech 1 Apr 80 p 2 AU]

POLITICAL SECRETARIES MEETING--In Prague on 1 April, CPCZ Central Committee Secretary Mikulas Beno presided over a statewide consultation of secretaries for political-organizational work of the regional party committees and of the Prague and Bratislava city party committees. On the agenda were "topical tasks of the intra-party work and the utilization of the results and the experience of territorial party bodies gained from the exchange of party cards for the further deepening of the party's leading role in the implementation of the resolutions of the 14th and 15th CPCZ Central Committee sessions and other party resolutions. [Bratislava PRAVDA in Slovak 1 Apr 80 p 2 AU]

CZECH LAND CRIMINALITY DATA--In 1979 the security organs in the Czech Socialist Republic investigated a total of 65,580 criminal acts, 5.5 percent less than in 1978. These included 102 murders, 602 robberies, 40,000 offenses against property and 7,940 moral offenses. Despite the decline in general criminality, the material damage caused has increased and amounted to almost KCS172 million. A total of 95 percent of the gravest crimes have been cleared up. Habitual offenders accounted for 60 percent of all perpetrators of the cases that have been cleared up. [Prague ZEMEDELSKE NOVINY in Slovak 3 Apr 80 p 6 AU]

SLOVAKIA CRIMINALITY DATA--In 1979, 3,964 fewer persons were prosecuted in the Slovak Socialist Republic for criminal acts than in the year before. More than 21 percent of all offenders were prosecuted for economic criminal acts. The damage they caused amounted to almost KCS222 million. [Bratislava PRAVDA in Slovak 2 Apr 80 p 2 AU]

ORDER OF LABOR--Jozef Lenart, member of the CPCZ Central Committee and the first secretary of the CPSI Central Committee, presented in Bratislava today the Order of Labor to Rudolf Netik, the head of a department of the CPSI Central Committee. This high state distinction had been conferred on him on the occasion of his 50th birthday by the president of the republic in recognition of his years-long active political activity and work in the party apparatus. [Text] [Prague Domestic Service in Czech 1030 GMT 14 Apr 80]

1979 WORK DISABILITY--On 10 April in Prague the Administrative Commission of the Czech Health Insurance Administration discussed the development of work disability caused by illness or accidents in 1979. It stated that in comparison with 1978 average work disability in the Czech Socialist Republic increased slightly from 4.17 percent to 4.25 percent. This increase was caused primarily by the flu epidemic in the first half of the year and by the jaundice epidemic in the second half of the year. The number of work accidents has declined somewhat. [Prague PRACE in Czech 11 Apr 80 p 3 AU]

IRANIAN DELEGATION VISIT--A delegation of the Islamic Republic of Iran, led by (Shoja-Eddin Fattami), deputy minister of trade, arrived in Prague on 15 April by air from Iran. [AU180807 Bratislava PRAVDA in Slovak 16 Apr 80 p 2]

CSO: 2400

POLITBURO RESOLUTION PUBLISHED ON UNIVERSITY TASKS, GOALS

West German Commentary

Frankfurt/Main FRANKFURTER ALLGEMEINE in German 21 Mar 80 p 5

[Article signed "Ws.", datelined Berlin, 20 March: "SED Defines Tasks of Colleges--'Military Instruction Is an Integral Part of the Educational Process.'" A translation of the text of the GDR Politburo resolution referred to below follows this commentary]

[Text] "The primary task of the universities and colleges is to train and educate the students and the junior faculty on a high professional level and in the spirit of Marxism-Leninism, the scientific world view of the working class." This statement is contained in the SED Politburo resolution of 18 March concerning the "tasks of the universities and colleges in the developed socialist society," which was published by NEUES DEUTSCHLAND. The resolution states further that great professional knowledge and ability, consistent support of socialism and a well-grounded philosophical training are among the most important conditions necessary for creative work and for the development of socialist personalities who develop and use their knowledge, skills and talents for the benefit of the socialist society. According to the SED Politburo, the tasks of the colleges and universities also include the intensified critique of the policy and ideology of "imperialism": The universities and colleges should help to implement the policy of detente and peaceful cooperation, which is pursued by the Soviet Union, the GDR and the other states of the socialist community.

"The study of the scientific worldview of the working class and of the policy pursued by its revolutionary party represents the primary foundation of the scientific training and communist education of the students and scientists," decrees the SED Politburo; the students and the junior scientists should be enabled at any time "and under any conditions" to defend Marxism-Leninism and the policy of the party and critically to examine the bourgeois ideology, and the socialist military training and the acquisition of military skills and expertise should be "inseparably" linked the entire educational process. The Politburo points out that throu

their personal example and through the philosophical and political persuasion of their instruction work, the faculty contribute to the communist education of the students; through its political-ideological work at the universities and colleges, the socialist youth league, the FDJ [Free German Youth], helps the students and junior scientists to realize their personal responsibility "and thoroughly to study the scientific ideas of Marxism-Leninism, to acquaint themselves with the policy pursued by the party, to develop an unequivocal socialist class position and actively to participate in the struggle for the development of socialism"; at the same time, the socialist youth league supports in various ways the students' activities in the study of Marxism-Leninism and in its observance in social practice.

The Politburo resolution, which states that approximately 130,000 students are presently studying 284 fields at 53 GDR universities and colleges and that over 33,000 scientists, including approximately 6,000 professors and lecturers, are engaged in research, instruction and medical care, also draws an ideal picture of the socialist scientist: In the developed socialist society, the scientist and university professor is characterized above all by "creative work based on a strong sense of political-moral responsibility, imbued with the Marxist-Leninist philosophy and devoted to socialism." The Politburo holds that the principal task of the political-ideological leadership at the universities and colleges is "further to consolidate the close ties of the academic community with the socialist state of workers and peasants and its leading force, the SED, to deepen its firm trust in the policy pursued by the party and to mobilize all of its energies to implement the party's resolutions." At the universities and colleges, the FDJ is to be primarily concerned with helping the SED to train "steadfast fighters" for the establishment of the communist society, fighters "who act in the spirit of Marxism-Leninism, socialist patriotism and proletarian internationalism."

SED Higher Education Policy

East Berlin NEUES DEUTSCHLAND in German 20 Mar 80 pp 3-4

[Text of 18 March 1980 resolution by SED Central Committee Politburo: "Tasks of the Universities and Colleges in the Developed Socialist Society"]

> [Text] Since the Eighth and Ninth SED Congresses, crucial changes have taken place at the GDR universities--changes aimed at raising the level and the effectiveness of scientific work in research and teaching. The interrelations between the universities and colleges and social practice, above all the economic system, have reached a qualitatively higher level.
>
> At the Fifth GDR University Conference, which is scheduled to take place on 4/5 September 1980 in Berlin, the results and experience gained in this development will be generalized; the conference will also define the responsibilities of the universities in the

foreseeable future.

On 18 March 1980, the Politburo of the SED Central Committee discussed these problems and adopted a resolution concerning the tasks of the universities and colleges in the developed socialist society, which resolution defines the objectives of the SED's university policy in the 1980's.

The objective formulated in the program adopted by the Ninth SED Congress--namely, further to develop the advanced socialist society in the GDR and thus to establish the basic conditions necessary for the gradual transition to communism--necessitates continuous improvements in science and university education. It is necessary fully to make effective the far-reaching influence of science on the economic system, the working and living conditions of the people, their ideology, education and culture.

The responsibility of society for the development of science and of the universities is steadily increasing. At the GDR universities and colleges, the scientists, students, workers and employees have under the direction of the SED put forth great efforts toward the systematic and long-term development of science and university education and toward the further development of their progressive and humanistic character.

Implementing the law concerning a standardized socialist educational system, the third university reform successfully initiated the development of the university of the advanced socialist society. New facilities for teaching and research have been established. At a total of 53 universities and colleges, approximately 130,000 students are presently enrolled in 284 fields. From 1971 to 1979, the highest educational institutions of our country educated and trained over 252,000 highly qualified cadres, who have been proving themselves in all sectors of the socialist society and who have been expanding the intellectual capacity of our nation. During the same period, the number of university cadres in the economic system was thereby doubled. The scientific potential of the universities and colleges has been significantly increased. A new generation of scientists has come up. More than 33,000 scientific cadres, including approximately 6,000 professors and lecturers, are presently engaged in instruction, research and medical care. The efforts to train highly qualified junior scientists have been intensified.

The newly established engineering colleges represent a new type of technical college. New scientific fields have emerged and the research capacity of the universities and colleges has been expanded. In regard to the utilization of materials and personnel, effective methods--involving concentration and intensification of the cooperation with other scientific institutions, with combines, enterprises and the regional health care system--have been applied successfully. The system of controlling and planning scientific work has proved a success.

The quality and practical effectiveness of the training, education and research have improved considerably. Excellent achievements in instruction, research and study greatly help to accelerate scientific-technological progress and contribute to the control and planning of social processes, to the improvement of the material and cultural life of the workers and thus to the accomplishment of the main task. The instruction and study programs drawn up in the 1970's have proved a good foundation.

Continued education of university and technical school cadres through postgraduate studies and various other forms of training has become part of the instruction offered by the universities. Since 1975, 118,500 university graduates have taken advanced courses at universities and colleges.

The contacts with foreign universities, especially with universities in the Soviet Union, have been expanding and intensifying; increasingly, these contacts have become a source of increased efficiency.

Since the Eighth SED Congress, the socialist state of workers and peasants has allocated over M 24 billion for the GDR universities. Thus it was possible--through reconstruction and through the construction of new teaching and research facilities, dormitories and cafeterias--significantly to improve the living, working and study conditions at the universities and colleges.

On the solid foundation of Marxism-Leninism and in the close adherence of the academic community to the policy of the party, there are manifested the advantages for the development of science and of the universities, which derive from the political power of the working class and the social ownership of the means of production, and the superiority of the socialist system of education over the educational system of the capitalist states. An even better utilization of these advantages should lead to marked improvements in scientific work and to greater contributions to an increased performance of the economic system, to the strengthening of national defense and of the other sectors of society.

To accomplish this, it is necessary

--in accordance with the goals of socialism, consistently to orient university education and science toward acceleration of social progress and toward the continuous improvement of the material and cultural living conditions of the workers;

--further to develop the academic community members' initiative and activity resulting from the identity of personal and social interests, to strengthen the socialist democracy and to orient it toward a more effective development of science and a high level of culture and education;

--fully to utilize the capacities--which result from the systematic character of the socialist development of society--for the purposeful development

of the total scientific potential, for the unity of teaching and research, the organization of basic and applied research, and the intensification of the interrelationship between science and production;

--to take full advantage of the possibilities resulting from the socialist economic integration, in order to increase the social effectiveness of science and university training.

The increasing demands made on the development of science and on higher education in the further organization of the developed socialist society in the GDR necessitate a differentiated definition of the new objective requirements, tasks and standards of the scientific work of the universities and colleges; they also call for control, planning and motivation, all of which must be consistently oriented toward increased performance.

I.

The most important aspect regarding the position and the tasks of the universities and colleges in the GDR is the fact that science and university training have become primary factors in regard to the radical political, economic, social and intellectual-cultural changes which determine the historical process of the development of the advanced socialist society.

Science and education increasingly penetrate social relations, intellectual-cultural life, and all sectors of material production. They are crucial factors in regard to economic growth and above all in regard to the acceleration of scientific-technological progress and the increased productivity and efficiency of work in all sectors of society. Science is becoming a direct productive force and an instrument of the organization, control and planning of social processes.

Great professional knowledge and ability, consistent support of socialism and a well-grounded philosophical training are among the most important prerequisites for creative work and for the development of socialist personalities, who develop and use their knowledge, skills and talents for the benefit of the socialist society.

Science and academic training greatly contribute to the development of the socialist intelligentsia, which in league with the working class and under its direction participates actively in the organization of the developed socialist society.

Science and university training contribute to the consolidation of close relations with the Soviet Union and the other countries of the socialist community. The scientific cooperation opens up new reserves for the intensification and further improvement of the quality and effectiveness of scientific work in research and teaching.

The contacts with the universities of the developing countries are being developed and consolidated on the basis of the principles of proletarian internationalism. Remarkable results have been achieved in the study program for foreigners and in regard to the assignment of qualified academic cadres to projects in foreign countries.

In the international class conflict between socialism and imperialism, in the struggle for detente and for the safeguarding of peace, and in the implementation of the policy of peaceful coexistence, science is assuming importance.

The primary concern of the developed socialist society is to promote science and education in the interest of a peaceful and blissful future of our nation and of mankind. On the theoretical-philosophical and methodological foundation of Marxism-Leninism, the universities and colleges function as centers of science, higher education and culture.

It is the responsibility of the universities and colleges

-to train and educate academic cadres for all sectors of the socialist society and--on the basis of the unity of research and teaching, of theory and practice--to develop and teach the sciences on the internationally most advanced level;

--in the training of the students and junior scientists, to insure the highest level of quality in communist education and in the acquisition of ready and theoretically well-grounded knowledge and expertise and to provide early and comprehensive support for the various talents;

--systematically to provide advanced high-level training for university and college cadres in all sectors of the socialist society, to enable them to apply the latest scientific findings, to improve their professional skills and to enrich their social and intellectual work;

--to gain new insights in mathematical-scientific, technical, sociological and medical research--with special emphasis on the development of basic research, to work out solutions for emerging economic, social, cultural and ideological problems and to open up qualitatively new approaches for medical care;

--to preserve and continue progressive traditions of the scientific and cultural heritage, to enrich the intellectual-cultural and political life and to help meet the increasing political, scientific and cultural demands of the workers;

--continuously to improve the relations with academic communities in foreign countries, above all the relations with the Soviet Union and the other socialist fraternal countries, to apply the findings and results of advanced scientific research for their own work, and through high-level achievements

to contribute to scientific and social progress;

--to intensify the critical examination of the policy and ideology of imperialism and to help implement the policy of detente and peaceful coexistence, which is being pursued by the Soviet Union, the German Democratic Republic and the other states of the socialist community.

To accomplish these tasks, it is necessary to tap all the capacity reserves of the universities and colleges and to make better use of the universities' specific possibilities in regard to the training of cadres in the basic disciplines, the development of the sciences and the interdisciplinary study of basic and complex scientific problems.

II.

The principal task of the universities and colleges is to train and educate the students and junior scientists at a high professional level and in the spirit of Marxism-Leninism, the scientific worldview of the working class.

Due to the conditions and standards of university education and of the development of the sciences, which in the course of the further development of the advanced socialist society undergo objective changes, it is imperative that the objective, content and method of the students' and junior scientists' training and education be defined in a more differentiated way and on a qualitatively higher level and that they be implemented by stages.

The study of the scientific philosophy of the working class and of the policy of its revolutionary party represents the foundation of the scientific training and communist education of the students and junior scientists.

In this respect, the instructors in charge of basic Marxist-Leninist studies carry special responsibility. Through their lectures and seminars, they see to it that the theory of Marxism-Leninism is studied and taught as a science in conjunction with the resolutions of the party. They direct special attention to guidance in the study of the works of Marx, Engels and Lenin and they focus the teaching on the basic political-ideological and philosophical problems of the developed socialist society, of the international class struggle and of the history of the SED. An important task is the further articulation of the Marxist-Leninist conception of history.

The students and junior scientists must be enabled at any time and under any conditions to defend Marxism-Leninism and the policy of the party and critically to examine the bourgeois ideology. The socialist military training and the acquisition of military skills and expertise must be inseparably linked with the entire educational process.

Through its political-ideological work at the universities and colleges, the socialist youth league helps the students and junior scientists to

realize their personal responsibility, to penetrate the scientific ideas of Marxism-Leninism, to acquaint themselves with the policy of the party, to develop an unequivocal socialist class position and actively to participate in the struggle for the development of socialism. At the same time, the socialist youth league supports in various ways the students' work in the study of Marxism-Leninism and in the crucial test of social practice.

Through their personal example and the philosophical and political persuasion of their lectures, the university faculty contribute to the communist education of the students. It is necessary to develop a thorough understanding of the role of science in the developmental processes of our time, of the unity of the theory, history and practice of the scientific disciplines and the social development in socialism as an important precondition for the responsible and successful work of all scientifically trained cadres. The progressive traditions of the universities and colleges are of special importance in this regard.

The interrelationship between basic theoretical training, theoretical-methodological training and acquisition of specialized knowledge should be re-examined and optimally developed in accordance with the specific requirements in the individual fields. In regard to the training, one must proceed from the assumption that the university students are young people, who will hold responsible positions and who will have to make great contributions to the organization of the developed socialist society and to the establishment of the foundations of communism.

On account of the social and scientific-technological advances, it is imperative that the university graduates be equipped with solid basic knowledge and with the ability quickly to adjust to new developments. Consequently, they must be able and ready after their graduation to continue the independent acquisition of knowledge and in regard to the whole, to develop a politically responsible attitude and commitment.

Thus it is increasingly important that the students acquire extensive and well-grounded basic training combined with scientific-methodological training and with the acquisition of solid specialized knowledge in their future professional fields.

It is necessary further to develop the ability to control processes that in practice are frequently complex and contradictory, to recognize new, socially significant scientific trends and to develop the socialist consciousness of the workers.

Special attention should be directed to the active command of foreign languages and of the Russian language, written and spoken, in particular.

In the social sciences, we must develop the students' ability and readiness effectively to contribute to the analysis and theoretical and practical

solution of emerging political, economic, social, ideological and intellectual-cultural problems and to propagate Marxism-Leninism and the policy of the SED among the young people in particular.

It is increasingly important to develop a philosophical and historical understanding of the dialectics of social developmental processes in connection with the global revolutionary process as well as the capacity for an aggressive, persuasive critique--based on the principles of socialist theory and practice--of the policy and ideology of imperialism, and of anticommunism and antisovietism in particular.

In terms of course content and curriculum, the training of teaching diplomates at the universities and colleges must be further developed so as to further--in accordance with the growing demands of society in regard to the work of the school and the responsibility of the teacher--the scientific training of the future educators, their capacity for creative pedagogical work, and a strong sense of responsibility vis-a-vis the rising generation.

In keeping with the objectives formulated by the Eighth Pedagogical Congress, it is especially important

--to insure that in all fields the students acquire solid basic knowledge capable of immediate application and that a high level of training in the chosen combination of subjects is attained;

--to orient the theoretical training in pedagogics, psychology and the methodologies of the subjects of instruction more strongly toward the demands made on the teacher in regard to the creative organization of the pedagogical process and--through improved subject-related coordination of the pedagogical, psychological and methodological training--to raise the theoretical level and the practical effectiveness of the pedagogical instruction;

--through an effective political-moral training, to develop a conscious positive attitude toward the teaching profession and toward the solution of problems arising in the communist education of the students.

The training of scientists and mathematicians must comprise

--high-level theoretical training in the fundamentals of the chosen field, combined with the impartation of knowledge capable of immediate practical application;

--the impartation of sufficient basic knowledge in related scientific and technical disciplines through increased utilization of the possibilities and scientific capacity of the instructing university;

--the development and mastery of scientific methodology, inclusive of competence in the experimental field;

--the development of the desire to apply the theoretical knowledge acquired to practical work.

The medical and stomatological training must be primarily concerned with

--providing the students with a high-level scientific training as a theoretical and practical foundation for their medical career;

--organically linking the premedical with the clinical training and providing a high-level practical training for the stomatology and medical students;

--raising the level of the sociological and ethical training of the young doctors and dentists.

In the engineering sciences, it is necessary

--to intensify the basic scientific-mathematical and technical training and to provide a stronger theoretical basis in the training of engineers, above all in the technological fields;

--in the theoretical and practical training, closely to interrelate design, planning, technology and the economic foundations and effects of engineering work and the management and organization of production, with due regard for the increasing automation of these processes;

--systematically to teach and integrate in the curriculum of all engineering fields the new scientific findings and practical experience resulting from the development and extensive application of new scientific fields such as microelectronics;

--to develop the desire always to further the workers' creativity as a basic precondition for the acceleration of scientific-technological progress.

In the training of academic cadres for agriculture, forestry, and food production, it is necessary

--to orient the scientific foundations and the methodological-theoretical content of the various fields toward full exploitation of the soil yield potential and toward improving livestock production;

--to improve the agropolitical and agroeconomic training so as to expand the knowledge and skills concerning the control of the standardized agricultural reproduction processes--with due regard for cooperative ownership and for the continuous intensification of cooperation--and to organize the students' practical training accordingly;

--to improve the quality of the technical-technological training and to insure that the students grasp the unity of economic, technological and biological laws and that ecological, energy-related and other economic requirements are taken into consideration in their entirety.

In regard to the training at the GDR art academies, it is necessary

--to develop socialist artists, who are closely attached to the party and the people and who are aware of their responsibility as active, codetermining participants in the social development;

--to familiarize the students with the high social demands concerning the processes of artistic creation and to guide them to artistic mastery.

Proceeding from the emerging demands of social practice, the latest scientific findings and the requirements of a highly effective educational process, and with due regard for the stability of the educational process and for the full exploitation of the given possibilities of the new study plans, the university teachers and scientific advisory councils under the direction of the Ministry for University and Technical School Matters must specify the educational objectives on a continuing basis.

The scientific-methodological conferences--as instruments of democratic information on problems concerning the content and method of instruction and as appropriate forms of defining the educational objectives--should be continued in collaboration with representatives of the professions and of the FDJ.

An important prerequisite for the quality and effectiveness of the university training is the further improvement of the quality of the antecedent instruction, which is to be provided in the final grades of the polytechnical school as well as through vocational training and through the preparatory courses offered by the universities.

While safeguarding the diverse routes of access to the universities, it is necessary to orient especially the technical, agricultural, economic and medical training more strongly toward practical professional work.

The principles of granting admission to the universities and colleges in accordance with the record of the respective applicants, the social structure of the population and the needs of our society have proved a success. With regard to the number of university and technical school cadres in our society and to the future demographic development, the professional and academic counseling must be improved. It is necessary to provide the young people with timely and comprehensive information on the existing possibilities and on the interests of society. In this respect, the emphasis should be on the technical jobs.

The main chain link in the further improvement of the training and education of scientific cadres is the continuous upgrading of instruction. In this regard, the university teachers bear the full responsibility vis-a-vis the socialist society. The high level of instruction is at the same time a crucial prerequisite for politically aware, disciplined learning, for a heightened sense of individual responsibility on the part of the students and for their increased creativity in the acquisition and application of scientific knowledge. It is imperative that the instruction increase the students' initiative and capacity for independent scientific study.

It is necessary further to improve academic studies as a productive phase, i.e. above all to heighten the students' sense of individual responsibility for their studies and to develop their readiness and capacity for independent scientific work.

The students must actively participate in the scientific life of the universities and colleges and of their sections and scientific disciplines. Their participation in the solution of research problems and in the transfer of scientific findings to practical operation is to be stepped up. This includes the transfer of youth projects from the research plans to the FDJ collectives, the organization of scientific student conferences and scientific circles and the establishment of student-operated rationalization and design offices. Special attention should be directed to the staging of scientific student contests, especially on the republic level and within the framework of student progress shows.

The study year should be optimized by adding periods for independent scientific work. In this regard, one should examine in which fields the number of mandatory courses could be reduced and that of optional courses, increased. There should be a greater choice of optional courses and of special and advanced seminars.

Through the qualitative and quantitative development of the faculty, favorable conditions have been created for an intensification of the study processes in accordance with the individual faculties of the students, for the advancement of their diverse talents and for the all-round development of their personalities and productive capacities. The socialist cooperative work of the university teachers and students is increasingly characterized by mutual respect and assistance and comradely support and collectivity. Through joint efforts, the faculty and the FDJ must develop philosophical and political attitudes such as ideological steadfastness, militance and responsibility. In this respect, the Free German Youth is intensifying its efforts to increase its effectiveness in the communist education and scientific training of all students and in the competition among the students, to heighten the students' sense of personal responsibility for their studies, further to develop their creative initiative in scientific and political work and to encourage traits such as love for science, discipline, readiness for action, intolerance and readiness to take risks.

In the organization of the study process as a whole, one must proceed from the assumption that in the last few years the GDR students have changed in regard to their social status, life experience and age structure.

The systematic and long-term development of the sciences is to a large extent determined by the development of productive junior scientists. Consequently, the selection and systematic advancement of students especially gifted for scientific work is of great social significance.

It is one of the responsibilities of every university teacher early on to recognize especially talented students and in collaboration with the FDJ to support them. With due regard for individual personality traits, it is necessary more fully to utilize for this purpose existing possibilities such as individual study plans, research courses and early termination of individual training phases. Transfer to another university, temporary enrollment at other scientific institutions, practical training, the study of a minor field, study terms in the Soviet Union and other socialist countries, and above all the intensive cooperation between the universities and institutions of the Academy--all of these elements should be fully exploited as indispensable prerequisites for the training of highly qualified scientific cadres characterized by a diversity of interests.

In view of the growing number of university and technical school graduates in the economic system and considering the necessity further to increase the practical effectiveness of the scientific cadres, the systematic advanced training of the university and technical college graduates is an increasingly important element of the work of the universities and colleges. In accordance with the university-specific possibilities and the economic requirements, it is necessary to expand and diversify the postgraduate studies. Additional courses and seminars should be introduced in close collaboration with the enterprises, combines and scientific societies, and these courses should increasingly be used for the transfer of the latest research findings to practical work. In collaboration with the ministries concerned, we must direct special attention to the work and further development of the institutes for socialist economic management, of the industrial institutes and of the advanced training centers for key sectors of the national economy.

Increased demands are being made on the universities and colleges in their capacity as intellectual-cultural centers. This is in keeping with the growing need of many citizens to acquire knowledge--outside their professional work--through diverse programs such as Sunday lectures, student academies, veterans' courses and FDJ student clubs and intellectually and culturally to enrich their lives. Aside from the universities and colleges, the responsibility in this respect is shared by the FDJ, the Cultural League, the Urania and the Chamber of Technology.

III.

The universities and colleges have at their disposal great research capacities and all the prerequisites for the overall development of the academic disciplines.

In order intensively to utilize these capacities, it is necessary equally to base the research objectives of the universities and colleges on the requirements of society, the reproduction conditions of the socialist economy and the developmental stage of the academic discipline concerned.

This approach should be based on the conceptions concerning the long-term development of basic research in mathematics and the natural sciences, in selected technological fields and in medicine; on the Central Plan for Sociological Research, on the State Plan for Science and Technology and on science and development plans drawn up by industry, agriculture, the construction industry and other sectors, and the universities and colleges themselves.

The specific nature of academic research is characterized by the diversity of disciplines, interdisciplinary complexity and thematic scope, a distinct development of basic research, practice-oriented applied research, the link between research and student training, and the advanced training of the junior scientists. The scientific makeup of the universities and colleges must be further developed in accordance with these conditions.

An important and specific task of the researchers at the universities and colleges is the continuous upgrading of their academic disciplines through their own scientific publications and through the study of the national and international scientific advances. In regard to the accomplishment of this task, the collaboration with the GDR Academy of Sciences is of special significance.

Proceeding from the highest level of international scientific advances, the researchers must produce results that come up to and raise this international level and that contribute to the overall consolidation of the GDR.

The contribution to the study of fundamental problems concerning the material-technical, social and intellectual-cultural development of society must be increased. It is necessary to find solutions which are of crucial importance for the development of the material-technical basis, solutions which facilitate the introduction of qualitatively new technologies and processes into the production process, which help further to develop the socialist production relations, to intensify the social reproduction process, to safeguard the interests of national defense and to improve the control of the intellectual-cultural processes. Consequently, it is necessary--through intensification of scientific work and through close collaboration with the fields of social practice--to develop and utilize still more effectively the research potential of the universities for the

development of the sciences and for increased economic productivity. It is on this basis that the systematic upgrading of the instruction and study materials, and of textbooks in particular, must be insured.

Discharging their responsibility, the universities and medical academies must also help to insure that the citizens receive specialized and highly specialized medical care.

International scientific cooperation, especially the close cooperation with research institutions of the Soviet Union, is of great importance for the quality of scientific work and for the efficient utilization of the research potential and its further differentiation. Generally speaking, it is necessary to make more effective use of the opportunities provided by participation in international scientific exchanges and by the international scientific relations for the overall development and consolidation of the GDR.

The creativity of the scientists and scientific collectives, the crucial factor in the processes of scientific work, must be stimulated as much as possible and oriented toward the focal points of increased performance.

In order to improve the quality and social effectiveness of the research work, it is necessary to encourage scientific debate. Academic events should always be evaluated by the extent, to which they increase the research capacities, stimulate the intellectual exchanges and improve the international prestige of GDR science. In this respect, it is necessary to intensify the cooperation with the scientific associations of the GDR.

Scientific work includes the continuous assimilation and processing of the store of scientific knowledge, which is increasing at a tremendous rate. For every scientist, thorough familiarity with the national and international scientific findings and research trends in the respective fields and related disciplines is a vital prerequisite for scientific work.

Special attention should be directed to the exchange of scientific cadres between the various cooperation partners at the universities and in industry and business and to long-term projects of university scientists at important national and international research centers.

The scientific work of the universities and colleges is greatly stimulated by the interaction between teaching, research and social practice. Thus the university professors and academic assistants must maintain close contact with their respective professional fields; they must link more closely the students' participation in the problem-solving work of the research collectives with the educational process, quickly integrate the foremost scientific-technological advances into the training, and prepare the graduates for the transfer of new research findings. It is the responsibility of the heads of the central state organs, the directors of the enterprises and combines and the heads of other state and social

institutions to help the scientists of the universities and colleges--in trustful collaboration and in the interest of all of the parties involved--to establish favorable conditions for the intensification of the research work in their fields and to make high demands in regard to the quality and social effect of the research results.

This necessitates a closer link between the universities and colleges on the one hand and industry and business and scientific institutions outside the universities on the other hand, concentration on key scientific and economic areas, and intensification of cooperation in the interest of a rapid transfer of the results.

The responsibility of the partners in the complex, labor-saving cooperation for the accomplishment of the tasks of basic, applied and technical research must be defined more precisely. The central state and economic organs and the combines and enterprises bear special responsibility for the immediate transfer to the production process of the results obtained in basic and applied research at the universities and colleges. In this respect, it is necessary to take full advantage of the conditions created by the formation of combines so as to bring about an effective and complex cooperation between the production sector and the universities and colleges. The objective is to improve the flow of operations from basic research via development, design and technology to production.

The exchange of cadres, the organization of joint research and implementation teams, the establishment and expansion of consultation centers, technical schools, scientific-methodological centers and other laboratory and experimental bases must be organized in such a fashion that the scientific results produced by academic research will quickly and effectively boost the performance of the economic system and at the same time enrich the training and education of the students and junior scientists.

As has been shown by the experience gained in the last few years, complex agreements between universities and colleges and partners in business and industry are especially appropriate for the consolidation of the link between science and production.

In collaboration with the state and economic organs, the universities, colleges and scientific academies must draw up plans specifying ways of coordinating the scientific potential in the large cities and scientific centers of our country and of applying it to the principal tasks of basic and applied research.

The scientific-technological advances also revolutionize the scientific work methods and the research process itself. The material-technical conditions of academic research must be quantitatively and qualitatively improved and intensively utilized in accordance with the economic conditions and the possibilities of international research cooperation. As centers of instruction and research, the universities and colleges must

always be able to fall back on an efficient and modern material-technical basis.

The universities and colleges and the Ministry for University and Technical School Matters must use high-quality apparatus and instruments, powerful computers, materials and other research equipment in those sectors in particular, which are engaged in the development of projects that are of crucial importance for the socialist economy and the development of the sciences.

In the future, it will be necessary already at the time of purchase and utilization of high-grade research instruments and equipment to establish close cooperation among the universities, institutes of the Academy and other scientific institutes. It is necessary fully to exploit the possibilities regarding the temporary utilization or transfer of research equipment and to develop new approaches as well.

As regards the intensification and effectiveness of scientific research and instruction, the management work of the state organs, and the international scientific cooperation of the universities and other scientific institutions of the socialist countries, information and documentation services and research libraries are becoming increasingly important. As a result of this, it is necessary to manage the scientific information services and university libraries as part of the information systems for the natural sciences, engineering, medicine and the social sciences in accordance with standard methodological and organizational principles, more fully to integrate information and documentation in the research process, and to make the scientists assume greater responsibility for the generation of information.

In order to raise the level of quality and effectiveness of information, it will be necessary further to improve the cooperation between information services and research libraries, both on the national level and within the framework of the community of socialist states.

The supply of information and literature must be optimized through scientific work organization, labor-sharing cooperation, and the further expansion of specialized information and research library networks. The universities must devise suitable ways of making available the scientific findings presented in theses, dissertations, research papers, conferences at home and abroad, and other information.

The material-technical prerequisites for upgrading the performance of the information services and research libraries must be gradually improved.

IV.

The scientists bear great responsibility for the scientific work, for the quality of research, teaching and education and for the social effectiveness

of the results produced.

To a large extent, the improvement of the quality and effectiveness of research and instruction, of the training and advanced training programs is contingent upon the scientists' creative work. Consequently, we must make high demands in regard to the political-moral responsibility, productive capacity and scientific qualifications of the university teachers.

The scientist and university teacher of the developed socialist society is characterized by

--creative work which is distinguished by a sense of political-moral responsibility, imbued with the Marxist-Leninist worldview, and devoted to socialism;

--comprehensive knowledge in his or her discipline and related fields and the readiness and capacity for interdisciplinary work in teaching and research;

--close contact with socialist practice--in the interest of his or her scientific work and of the application of its results;

--continuous critical revaluation of his or her own performance, the persistent search for new insights, the readiness to learn from others, to use their findings and experience and to adopt the best reasoning and work methods;

--his or her model effect as a socialist scientist and teacher, who meets the new requirements regarding the socialist relations between teachers and students.

In order further to increase the productivity of scientific work and its social effectiveness, it is necessary continuously to improve the professional qualifications of every scientist and university teacher, to recognize their specific qualities and to assign them to the appropriate jobs in the work collectives.

In order to improve the quality of scientific work, we must organize the working conditions of the scientists and university teachers in such a way that they can fully concentrate on their tasks in teaching, education and research. Above all, it is necessary to make better use of the existing possibilities of granting them extended leaves for research work.

The continued high-level performance of the universities and colleges necessitates far-sighted training of the junior scientists, a training based on the requirements of the development of society and science.

The young scientists must be confronted with demanding scientific problems, which fully tax their faculties and their readiness for work, create test

situations, and necessitate the development of their talents. In this regard, they bear great responsibility for the increasingly deep penetration of the academic subject and for their preparation for creative and highly qualified professional work.

The scientific training, the pedagogical-methodological qualification and the political qualification and education must be combined so as to attain a high level of qualification and to reduce the times required for the acquisition of academic degrees.

In order to accomplish the objectives in teaching, research and the development of science, it is necessary to direct special attention to the systematic appointment of professors and lecturers in accordance with the numerical requirements. In this regard, one must take into consideration the development of significant new scientific disciplines and close existing gaps. For foreign teachers, visiting professorships should be established.

In order to insure a systematic and continuous development of the cadre work at the universities and colleges, it is necessary to combine the main lines of scientific development with the long-term cadre planning. The conception of scientific development and the programs for cadre development must form an integral whole. The cadre development programs should provide for measures concerning transfers to other universities, the temporary assignment of university cadres to practical work and the systematic cadre exchange between the universities and colleges and the Academy of Sciences; the programs should also include long-term plans concerning the appointment of qualified cadres from industry or business as university teachers.

An important task of the cadre work at the universities and colleges is the continuous improvement of the quality of the management cadres. The objective is to ensure the responsible selection, long-term preparation and training, and systematic employment of scientists suitable for science management functions. In this regard, the Ministry for University and Technical School Matters and other central state organs in charge of universities bear special responsibility.

The emeriti must be enabled to make full use of their knowledge and ample scientific and pedagogical experience in the creative scientific processes at the universities and colleges.

The highly qualified and experienced research workers, scientific-technical employees and nurses in the laboratories, hospitals and shops greatly help to increase the productivity of the scientific work. In close collaboration with the GDR Academy of Sciences, the Ministry for Health, the State Secretariat for Vocational Training and the combines and enterprises, the Ministry for University and Technical School Matters must ensure a sufficient supply of such skilled workers. In order to guarantee a sufficient

supply of trainees in this field, it is necessary to intensify the vocational counseling, guidance and training.

In close collaboration with the industrial and business sectors, the universities must regulate the graduates' employment in accordance with their training and qualifications; it is the responsibility of the industrial and business sectors conscientiously to implement this program. The heads of central and economic organs and of social institutions, the general directors of the combines and the directors of the enterprises must ensure in their jurisdictions that the graduates are entrusted with exacting, socially important tasks that are in keeping with the knowledge acquired and call for a creative approach. The breaking-in period should be structured so as to bring about the graduate's full effectiveness as soon as possible.

V.

Continued performance increases at the universities and colleges necessitate high quality and effectiveness of the management, planning and organization of scientific work, a high degree of overall social responsibility, of scientific character, farsightedness, purposefulness and continuity, and a close link with practical work in the preparation and implementation of management decisions.

The main task of management work is to mobilize the entire academic community for the accomplishment of the tasks and to create favorable conditions for an effective performance on the part of the scientists and the students, for a creative atmosphere and for the efficient utilization of the material, financial and personnel resources. The objective is to establish an efficiently organized management and planning system for the uniform process of teaching, research and cadre development--a system corresponding to the work process in the sciences.

The principal method of improving management and planning is the further development of socialist democracy. In accordance with the specific characteristics of scientific work processes, the scientists, university teachers and students must assume a high measure of personal responsibility for the management, planning and social efficacy of the scientific work in teaching, research and study.

As regards management work, one should always keep in mind that the thorough discussion of all problems concerning communist education, the organization of training, and advanced training, of research and of the development of science in the advisory organs of the universities and colleges, with the leaders of the socialist youth league and of the science union, with scientists and students, industrial and office workers is one of the unalterable rights and obligations of all university members.

The minister for university and technical school matters, the ministers in charge of universities and the directors of the universities and colleges must ensure in their jurisdictions that in the future the management activity is concentrated even more strongly on the key areas in research and teaching. In this respect, it is necessary to increase the efficacy of the scientific advisory councils in the Ministry for University and Technical School Matters and of the Scientific Councils of the universities and colleges in regard to the high-level political and scientific preparation of management decisions.

The responsibility of the sections and their scientific fields for the attainment of the objectives in teaching and research and in the development of the sciences must be ensured. In this regard, it is necessary further to develop the advisory function of the section councils and to give greater weight to their recommendations.

The management personnel must focus their attention on the attempt convincingly to explain to all university members the policy pursued by the party of the working class and the tasks resulting from the systematic development of society, to generate initiatives in the socialist competition, to stimulate the formulation of new ideas and to organize concrete results. To accomplish this, it is necessary above all to focus the political-ideological work on the further development of the awareness and responsibility of the university teachers, academic assistants, students, workers and employees for the accomplishment of their tasks. In the interest of high-level achievements and quality, it is necessary to ensure further improvements in the working and living conditions, the establishment of a creative work atmosphere and of a study course free from interruption, and the enforcement of a conscious work discipline, of order and safety in the work process. The efficient organization of scientific work requires constant application of the findings of scientific theory and organization in accordance with the specific conditions of the universities and colleges.

At all levels of state management activity, attempts must be made significantly to increase the social productive capacity of the universities and colleges, fully to exploit the existing possibilities of increasing performance and to open up new approaches.

The local organs must improve their performance in discharging their responsibility for the development of the universities in their territory. This applies above all to tasks concerning the safeguarding of the universities' development in regard to technology, materials, personnel and social concerns and the improvement of the university members' working and living conditions.

The further improvement of the quality and effectiveness of management work necessitates further upgrading of the university development plans. This calls above all for long-term plans that ensure the complex and uniform

development of the scientific and educational processes in accordance with the social requirements and possibilities.

The further improvement of management and planning and the demands in regard to the efficient and effective organization of training, advanced training and research necessitate increased concentration on the scientific work concerning the further development of the socialist university system. To accomplish this, it will be necessary precisely to define the long-term research objectives regarding the development of the university system and on this basis more effectively to use the available research capacities.

The increased demands on planning result from the fact that the scientific advances and the acquisition of advanced knowledge call for considerable material and financial expenditures. In order to ensure a continuous development of the sciences and of university education, it is necessary further to expand these funds in accordance with the economic possibilities.

To accomplish this, the university and college administrations--upon coordinating their efforts with the combines and other cooperation partners and obtaining the support of the central state organs--must take measures concerning the rationalization of work in the laboratories and research centers, the automation of measuring and testing procedures and the expansion of their own facilities for the construction of scientific equipment and means of rationalization, and they must open up reserves for improving the scientific work performance. To this end, the possibilities of cooperation between the universities and colleges and the respective regions must be fully exploited.

The management and planning concerning international contacts among the universities in the fields of teaching and research are assuming increasing importance in regard to the increased performance of the universities and colleges. It is one of the most important internationalist duties of every director consistently to meet the resulting high demands in regard to the level of scientific work. The main concern in this respect is to increase the effectiveness and quality of the scientific cooperation with the Soviet Union on the basis of the long-term plans and development conceptions.

The work done by the professors, lecturers, academic assistants, students, workers and employees at the universities and colleges in the high-level accomplishment of the tasks of instruction, research, study, education and advanced training is greatly respected by society. Moral and material incentives for improved performance should be used more effectively. In this connection, it is necessary further to improve the accounting and control of scientific work. The scientific results in teaching, research and study are the main criterion for evaluating the performance of the scientists and students.

The most important responsibility of the political-ideological leadership at the universities and colleges is further to consolidate the close links between the academic community and the socialist state of workers and peasants and its leading force, the SED, to strengthen the community's firm trust in the policy of the party and to mobilize all forces for the implementation of its resolutions.

The primary objective of the political work of the Free German Youth at the universities and colleges is to help the SED to train steadfast fighters for the establishment of the communist society, fighters who act in the spirit of Marxism-Leninism, socialist patriotism and proletarian internationalism. The FDJ stimulates the students' sense of responsibility for their studies as well as their creative initiative in their political and scientific work. The FDJ conscientiously discharges its responsibility as the representative of the interests of the students and young scientists in the daily process of work and life.

Through its political work among the masses, the science union promotes the academic community's participation in the discussion and solution of the problems at hand. The union generalizes the experience gained by the best workers; in the collectives, it develops the readiness for great achievements and it develops the socialist competition as an important factor in great accomplishments. In the interest of increased effectiveness of scientific work, certain elements such as complex competitions with institutions in the industrial and business sectors or other scientific institutions should be further developed.

The party organizations of the universities and colleges are confronted with the task to develop their leadership on the basis of the resolutions and documents of the party and in doing so, to ensure a high level of political-ideological work. To accomplish this, it is necessary continuously to strengthen the fighting strength of all party collectives and to exercise party control over the focal points of performance development.

It is the communists who lead the struggle for great achievements in their collectives and who themselves try to produce maximum results.

8760
CSO: 2300

LDC JOURNALISTS ATTEND EAST BERLIN 'COLLEGE OF SOLIDARITY'

Havana BOHEMIA in Spanish 8 Feb 80 pp 32-33

[Article by Tania Quintero: "Solidarity Village." The article is accompanied by photographs of the International Institute of Journalism, East Berlin, and of the front page of the institute's newspaper IIJB REPORT]

[Text] Some 20 minutes from the heart of Berlin, a villa which in the past was the property of a feudal family, is now the site of the College of Solidarity, an adjunct of the Werner Lamberz International Institute of Journalism of the GDR Union of Journalists.

The locale, one of the most attractive wooded areas in the northeastern part of Berlin, could not have been better selected: there one breathes pure air; and the peacefulness of the countryside helps one's concentration and relaxation. However, the ambience, which is the most attractive feature, is suffused with the democratic spirit of solidarity, anti-imperialism and anticolonialism with which the school was established in 1963.

As of last year, a total of 494 journalists from 23 countries of Africa, Asia and the Middle East had completed their studies in the schools. These journalists were professionals with a background of 5-25 years' experience and with a good command of English, the official language in which the courses are taught.

This information was given to me by the deputy director, Dr Klaus Vieweg. He was accompanied by one of the professors. At the time of our visit, 18 journalists were studying in the school, 15 men and 3 women, from Tanzania, Kenya, Nigeria and the liberation movements of southern Africa: ANC [African National Council], SWAPO [South-West African People's Organization] and ZAPU [Zimbabwe African People's Union].

In reply to one of my concerns, they told me that in 1975 a 4-month course for women was given and that the number of women is not always as low.

The renovated villa--which is being expanded in order to double its capacity in the next few years--consists of three buildings, which accommodate dormitories, bathrooms, a dining room, kitchen, recreation room, classrooms, conference and seminar rooms, offices, living quarters for professors,

library, telecommunications room and photographic laboratory. In the recreation room, we observed that the students could make use of a radio, record player and other leisure facilities. In a nearby area, there is a television set and, a little beyond that, a telephone booth.

Each participant receives a monthly allowance of 200 marks. Books, housing accommodations and other perquisites are without charge, including laundry service and any medical treatment.

It is interesting to note that all this possible, among other reasons, because every year our colleagues of the GDR, engage in a series of activities, in honor of International Day of the Journalist, such as Solidarity Bazaars. A large part of the money taken in is used for subsidizing the school. In 1978, for example, by this means 300,000 marks were collected, a sum which was turned over for the financing of a special short course for Ethiopian journalists and the regular course of the College of Solidarity.

The courses last for 6-1/2 months, and the subjects are both theoretical and practical. Among the former are theory and history of journalism, planning and organization of journalistic work, social sciences and techniques of communication. The practical subjects include: composition and editing practices, typography and photography. In the case of compositors of the written media, there is an additional class in design, and layout of newspapers of magazines.

Practice is a must for those working for the country's press organs, in line with each individual's specialty, whether radio, television or newspaper. By means of seminars, explanations are also given of the economic problems of the different countries, since the students at times do not have great mastery of such subjects. Equally useful are optional classes in typing and the German language, which is only taught to help the student get along in his daily life in the GDR.

At course end, each group takes written and oral examinations and publishes a newspaper. The diploma is a document recognized by the International Organization of Journalists.

And what about free time? That, too, is not forgotten. The school has modern sports facilities. However, for full enjoyment of the cultural life, the students travel to the heart of the city whenever they wish, after completing their class schedule (which runs from Monday through Friday exclusively). Excursions to other cities of the GDR are organized twice during the course, and there is one trip to another socialist country.

I was told by the deputy director that schools similar to this one are now operating in Bulgaria and Hungary, and others are planned for the future.

What this solidarity-oriented school has meant for the nearly 500 students who have studied in it is attested by the thousands of letters of gratitude which have been received here in 17 years, as well as the fact that many of the graduates today hold important professional and political positions in their respective countries.

PHOTO CAPTION

1. p 33. Werner Lamberz, member of the Politburo and secretary of the Central Committee of the Socialist Unity Party of Germany, was a good friend of Cuba and Fidel. On 6 March 1978, he died in an air accident, while on an official visit to Libya. Because of the high marks it has received in the solidarity sector, the International Institute of Journalism of the GDR received its name in April 1979, a month in which Lamberz would have reached his 50th birthday.

8143
CSO: 3010

WEST GERMAN ANALYSIS: INCREASE IN GDR CRIME RATE

Cologne DEUTSCHLAND-ARCHIV in German Vol 13 No 3, Mar 79 signed to press 22 Feb 80 pp 282-284

['Analyses and Reports' feature article by Prof Dr Friedrich-Christian Schroeder, head, department for criminal law, trial law and East Bloc law, University of Regensburg; research director, Institute for East Bloc Law, Munich: "Increase in Violent Crimes in the GDR." A translation of the Schroeder article cited in footnote 1 is published under the heading "West German Analysis of GDR Criminal Law Reform," in JPRS 74796, 20 Dec 79, No 1748 of this series, pp 12-31. A translation of the Freiburg article cited in footnote 4 is published under the heading "Manipulation of Criminality Statistics Analyzed," in JPRS 73055, 22 Mar 79, No 1660 of this series, pp 36-41]

[Text] We had considered the intensified threats of penalties for acts of resistance against state authority as contained in the third law on criminal law changes in the GDR of 28 June 1979 an indication of a dangerous increase of offenses of this kind in the GDR.[1] This assumption has been fully confirmed by the criminal statistics of the GDR for 1978 which have meanwhile been published.[2]

According to these statistics, the total number of confirmed criminal offenses in the GDR rose from 116,170 in 1977 to 126,620 in 1978. This is an increase in criminal offenses by 10,450 or 8.99 percent. Because the population in residence in the GDR decreased during the same time period from 16,758,000 in 1977 to 16,751,000 in 1978, the increase in criminal activity per 100,000 inhabitants amounts to 9.09 percent. This is a considerably larger increase than in the FRG, where the rate of increase during the time in question amounted to only 2.8 percent (or 3 percent per 100,000 inhabitants).[3]

This total increase is distributed among individual offenses in the following way:

Type of Offense	1977	1978	Change in percent	Rank in rate of increase
Intentional homicide (Articles 112, 113)	129	145	+12.40	9
Intentional infliction of bodily injury (Articles 115, 116, 117)	11,151	11,807	+ 5.88	14
Rape (Article 121)	532	672	+26.32	6
Force and abuse in sexual acts (Article 122)	384	450	+17.19	7
Robbery and Extortion (Artilces 126, 127, 128)	602	831	+38.04	5
Violation of support laws (Article 141)	354	501	+41.52	2
Violation of education laws (Article 142)	547	572	+ 4.57	16
Sexual abuse of children (Article 148)	1,386	1,308	- 5.36	
Sexual abuse of minors (Articles 149, 150, 151)	301	272	- 9.64	
Theft of socialist property (Articles 158, 161, 162)	23,778	25,214	+ 6.04	13
Fraud/cheating to the detriment of socialist property (Articles 159, 161, 161a, 162)	5,246	5,473	+ 4.33	17
Criminal offenses against national economy (Articles 165ff, including bylaws)	433	412	- 4.85	
Theft of personal and private property (Articles 177, 180, 181)	31,104	32,203	+ 3.85	18

Type of offense	1977	1978	Change in percent	Rank in rate of increase
Fraud/cheating detrimental to personal and private property (Articles 178, 180, 181, 182)	780	837	+ 7.31	11
Arson (Articles 185, 186)	300	348	+ 7.31	11
Fires caused by negligence (Article 188)	486	534	+ 9.88	10
Violations of health and work protection laws (Article 193)	246	233	- 5.29	
Responsibility for serious traffic accident (Article 196)	3,901	4,006	+ 2.69	19
Endangering traffic through drunkenness	3,851	3,199	-16.93	
Unauthorized use of vehicles (Article 201)	6,511	6,917	+ 6.24	12
Unauthorized possession of arms and explosives (Article 206)	283	395	+39.58	4
Resistance against state authority (Article 212, 216)	806	1,236	+53.35	1
Rowdyism (Article 215, 216)	1,550	2,190	+41.29	3
Collaboration and receiving of stolen goods Articles 233, 234)	2,702	2,838	+ 5.03	15
Documents forgery Article 240)	586	515	-12.12	
Other offenses	18,221	23,412	+28.49	

This means that resistance against state authority has moved through its rate of increase to first place among criminal offenses in the GDR!

Violations against [child] support laws, in second place, (in terms of criminal activities the opposite of the "baby boom") is followed, in third place, by rowdyism which has a close relation to resistance against state authority and is legally defined as "participation in a gathering of persons who because of disregard for public order or the rules of socialist community life commit offenses such as acts of violence, threats, grave insults to persons or intentional damage to things, equipment or institutions."

This confirms fully the conclusion we had drawn from the intensified penalty threats. However, this cannot mean conversely that the third law on criminal law changes with its rigorous intensification of political criminal law could thereby find its justification. Not even the intensification of penalty threats for resistance against state authority and rowdyism can by itself be justified through increases in the corresponding offenses. Reaction to the increase in offenses, rather, expresses a primitive idea about the causes of criminal problems and also a naive faith that the number of criminal offenses can be decreased through intensification of penalty threats. This follows from the fact that the GDR had already provided the maximum penalty of 8 years in prison for serious cases of resistance against state authority or rowdyism, and that this penalty has now been raised to up to 10 years. After the GDR had already threatened potential offenders with a very heavy penalty, it had little room left for intensification. For comparison let us just keep in mind that in the FRG a draft law is currently in preparation according to which even life terms in prison would have to be brought up for parole regularly after 15 years. It is noteworthy that in the next places on the list of rank in crime increase are crimes involving violence and other offenses connected with them. In fourth place, for instance, is unauthorized possession of arms and explosives which, as a rule, is a precondition for crimes of violence. In the next place there is robbery and extortion, then rape and force used in sexual acts. In a government system where all major objects belong to the state, intentional arson can likewise be considered a form of protest against the system. All this results in the following alarming summary for the GDR:

-- a considerable increase, beyond that in the FRG, in criminal activities in general,

-- crimes of violence at the head of this list,

-- and at the head of the list of these resistance against state authority.

In the last column: "rank in rate of increase" no ranking was given to the last item: "unspecified offenses." The 28.49 percent rate of increase in this ominous group is extraordinarily high. An important part of this percentage could certainly fall in the category of political offenses.

Another noteworthy thing is that the GDR has published at all these figures which must certainly be very negative and perhaps even shocking for the GDR, considering the picture of an ever decreasing rate of criminal activity that

has been projected by the GDR. The GDR did not publish criminal statistics between 1972 and 1977 obviously because in that period criminal activity was on the increase. The resumption of publication of criminal statistics in 1978 was evidently due to the fact that in 1977 a decrease in criminal activity could be noted, down 6.8 percent (6.7 percent per 100,000 inhabitants). The publication of this figure, however, has proven to be surprisingly rash and naive. Because with the considerably larger crime increase by 9.09 percent in the following year the frequency rate (per 100,000 inhabitants) had then again reached the level of 1965! It is clear that with the rash and naive publication of criminal statistics for 1977 the GDR has placed itself into a tight corner, because nonpublication of the figures for 1978 would have been an unmistakable sign of increase, and would then have had the same practical effect!

In all this it should not be forgotten that the number of confirmed criminal acts in the FRG is, as before, very much higher than that in the GDR. Even though radically different ways of counting criminal activities must be considered, it must be stated that even if the counting were done differently, criminal activities in the FRG would still be considerably higher than in the GDR. However, the FRG has never made the development in the rate of criminal activities an indicator of the health or sickness of its political system. It has always been clear in the FRG that fast changes in life style (for instance motorization, increase in one-family home living, self-service system) would result in a considerable increase in criminal activities, and that a greater degree of freedom from supervision would necessarily have to be "paid for" by a greater degree of criminal activities. It was the GDR which represented the thesis that in a "socialist" state criminal activities must "die out," or at least be continually reduced, and that the increase in criminal activities in "capitalist" countries is an indication of their social unrest. When the GDR threw these stones, it obviously gave no serious thought to the possibility that its own house could one day turn into a "glass house."

8889
CSO: 2300

BIOGRAPHICAL PROFILE OF STANISLAW GUCWA

Sofia ZEMEDELSKO ZNAME in Bulgarian 13 Apr 80 p 4

[Text] At the first session of the newly elected Sejm of the Polish People's Republic, which took place at the beginning of April, Stanislaw Gucwa, the well known leader of socialist Poland and chairman of the National Committee of the United Peasant Party [ZSL], was unanimously reelected presiding officer of the Sejm. This was an additional act of high appreciation of the remarkable services of the first ZSL leader, of the ardent patriot and internationalist, one of the distinguished personalities in the international democratic agrarian movement, a great friend of Bulgaria and faithful champion of friendship with the Soviet Union.

From a very early age Stanislaw Gucwa was involved in the agrarian movement and in the struggle for free, democratic and independent Poland. He was born on 18 April 1919, of peasant stock, in the village of Przybyslawice, Krakow Voivodship. In 1938-1939 he was district secretary of the Union of Peasant Youth in Brzesk. As an activist in the youth union, Stanislaw Gucwa participated in the prewar struggle against the treacherous bourgeois policies.

He continued this activity at the university as a student of economics. The Hitlerite invasion, however, temporarily interrupted his studies at the university. In those days of harsh skirmishes with the Nazis, Stanislaw Gucwa was always at his post: he joined the resistance and participated in the military formations of the agrarian movement, i.e. in the peasant battalions--first as a publicist and editor of the underground newspaper of several of the districts and from 1941 on as a leader of the Ranom and Korzenic battalions fighting against the Nazis.

After Poland's liberation Stanislaw Gucwa declared himself without any reservation on the side of the democratic forces of the Polish agrarian movement in support of cooperation with the Polish United Workers' Party [PZPR]. Since 1945 he has been a member of the Peasant Party and, later, of the United Peasant Party, whose creation in 1949 was the turning-point in the history of the Polish peasant movement and enabled the movement to become a staunch and active builder of new socialist Poland.

Stanislaw Gucwa was able in the meantime to finish his education in economics and since 1948 he has held leading positions in the central government of the branches of the food industry. In 1957 he was appointed deputy minister and the following year became Minister of Food Industry.

Since 1957 Stanislaw Gucwa has been a member of the central leadership of the ZSL. Two years later he was elected a member of the Presidium of the National Committee and in 1971 became chairman of the National Committee of the party. At the Seventh ZSL Congress in January 1976 he was reelected to this position.

Stanislaw Gucwa has been a member of the Sejm of the Polish People's Republic since 1961. In 1971-1972 he was deputy chairman of the State Council of the Polish People's Republic and in 1972 he was elected presiding officer of the Sejm. The Polish People's Republic has honored Comrade Stanislaw Gucwa by bestowing on him the highest decorations and distinctions in the country.

In his highly responsible social, political and state activity, Stanislaw Gucwa has always contributed to the all-round development of Polish agriculture, to the further growth of the ZSL as a faithful and devoted ally to the PZPR. In his congratulatory letter to Stanislaw Gucwa on the occasion of his 60th birthday, Comrade Edward Gierek stressed: "You are one of the most distinguished personalities in the Polish agrarian movement. As chairman of the ZSL National Committee and presiding officer of the Sejm of the Polish People's Republic, you are one of the most outstanding contributors to the preparation and fulfillment of the program for building a strong Poland and improving the wellbeing of the Polish people. We greatly appreciate our cooperation with you, and the participation of the ZSL in the efforts of developing our agriculture, modernizing the Polish village and consolidating the workers-peasants union."

The name and work of Stanislaw Gucwa are closely linked with the ZSL's strong efforts to bring about timely reforms in the farming units, in increasing agricultural production and developing an adequate network of cultural institutes and services in the villages. "We fulfill our economic policy in cooperation with PZPR," he said in his welcoming speech at the 13th Congress of the BZNS [Bulgarian National Agrarian Union].

Dwelling upon the progress in people's Poland, Comrade Stanislaw Gucwa has repeatedly pointed out that its achievements have been the result of the planned policy of the Polish People's Republic and have been possible due to the friendship and cooperation of the Soviet Union and the other countries of the socialist community. The ZSL has been staunchly devoted to the goal of consolidating the friendship and cooperation among the fraternal countries and to the struggle for fulfilling their peaceful strategy, i.e. reducing tension in the world and achieving disarmament. Under the leadership of the National Committee headed by Comrade Stanislaw Gucwa, the ZSL works most vigorously to achieve the goals of the international democratic agrarian movement, supporting the positive international developments and striving to reduce the danger of war.

The chairman of the ZSL National Committee and the presiding officer of the Sejm of the Polish People's Republic has greatly contributed to the better and deeper Bulgarian-Polish friendship and to the development of even stronger ties between the BZNS and ZSL. He has visited our country more than once, knows and appreciates well the progress of socialist Bulgaria, the development of its villages and the contribution of the BZNS in this field. Stanislaw Gucwa's signature is placed on the declaration of the principles and forms of cooperation between the BZNS and the ZSL for the 1975-1980 period. The meetings between Petur Tanchev and Stanislaw Gucwa are an important factor in strengthening the fraternal relations between the BZNS and the ZSL, which actively contribute to the expansion of the manysided contacts between the People's Republic of Bulgaria and the ZSL in the interest of both our countries, to the unification of the peasants' and related democratic parties and organizations in the struggle for continuing the policy of detente, peace and social progress in the world.

1010
CSO: 2200

DRESS, BEHAVIOR OF STUDENTS AT CONCERTS CRITICIZED

Bucharest TRIBUNA SCOLII in Romanian 19 Apr 80 p 2

[Article by M. Verdes: "A Convention Not Observed"]

[Excerpts] Almost every evening, musical performances are held in our concert halls and these halls are almost filled with students. When I see them I have a feeling of secret joy and satisfaction, since the idea that our students are interested only in popular music has received too much credence. I believe that they are from all the secondary schools in the Capital. They spent two hours in a concert hall which is inundated with harmonies, enjoying moments of great spiritual elevation, of authentic experiences, of incomparable and unmeasured sentiments.

But, I am sorry that I cannot end here, that I must add to this statement something which casts a shadow on it. I am speaking about the clothes of some of the music-loving scholars and the way in which some of them listen to and receive symphonic music. As we know, we all observe an implicit convention when we enter a concert hall. Something stops you from entering in just any way. It won't do, it is not proper, and it is not decent to listen to Beethoven or George Enescu in faded, patched red jeans, with a sloppy shirt, unbuttoned down to the waist or in a sports outfit and sneakers. Perhaps this disagreeable aspect would not attract attention if the racket of the "commentaries" of some of them were not added.

There are still some students who hide out in the concert hall to do their readings or their homework for the following day, noisily leafing through books and notebooks or dropping their book bags. This attitude does not need much comment. Nevertheless, a question arises. Is there no discussion in the schools, during the class hours, of the way in which a student, an adolescent should dress and behave at a concert or at a stage performance? Isn't this an elementary aspect of education which should be incorporated into the code of good behavior in society? We invite our colleagues to see the students not only in uniform but also in the role of spectators. Certainly, interesting subjects will be found for discussion.

CSO: 2700

COLLABORATION OF SCHOLARS ON HISTORY OF LITERATURE URGED

Bucharest ROMANIA LITERARA in Romanian 17 Apr 80 p 3

[Article by Mihnea Gheorghiu: "All the Rest Is Not 'Literature'"]

[Excerpts] I have had the intellectual opportunity of participating in courses and seminars of some of the great professors of higher education in Romania, persons who were very well known in their speciality outside the country also.

The oppinions of some of them, on certain subjects, did not always agree and for us, their students, this "joust" among giants, in which the foils were always poised, was a spectacle full of intellectual delight. I do not remember any occasion in which inter-disciplinary misunderstanding endangered in any way a legitimate idea, one which was useful to the country.

I cannot say the same about some of their successors in the departments, at a time when scientific epigonism and cultural schivism have sometimes placed, in the reviews and amphitheaters, ideas and opinions which are foreign to the interests of the country, not only in the humanistic sciences but also in other areas, such as industry and agriculture, and the domestic and foreign policy of the state. This period has had a negative effect on some of our weak-willed intellectuals and they, in their turn, have had an effect on others.

It is hard to rid yourself at 50 of what you learned--willingly or out of necessity--at 20, if you do not have the mental ability to analyze the limits self-critically and, especially, if you do not have the power and the pleasure to continue to learn, as each person must do, as long as he lives.

In later years, I have had the occasion, or obligation, to attend collegial discussions among scholars--both old and young--on different fundamental themes of mutual interest, associated with some problems of national and universal culture. I have had moments of enchantment and also, moments of desolation, explainable by what I have said above, to which are added, of course, the human weaknesses of those who are in precarious positions.

I listened, for hours, to successions of phrases whose resonance was often separated from their content, reminiscent of those church services which, as children, we endured in boredom. And I asked myself if the materialist speaker had not found out the evils of philosophy as a "handmaid of theology", of any theology.

In the past, I listened to some historians, linguists and archeologists trying to agree on points of view whose correctness was obvious beyond any reasonable doubt. But they did not reach an agreement since some of them were defending positions which were paralyzed in obsoleteness, "a few fixed ideas". Unfortunately, there are still some books and dictionaries in which such "ideas" are perpetuated.

Is it absolutely necessary that every practitioner of the historic and philological sciences also be a creater, in the sense of literary and artistic creation? Today, one cannot conceive of a researcher in the social sciences who lacks elementary knowledge in other fields, for example, in political economics, in the natural sciences, or in the mathematical sciences. Then, must every anthropologist, archeologist, philologist and, perhaps, even every mathematician also be a poet since "nothing human is foreign to me"? These questions enter into the inventory of current themes of multidisplinary research and have their precedents and reason.

However, it is absolutely necessary that some disciplines should collaborate closely. In the case of Romania, I am referring to national history and the history of the Romanian language and of Romanian literature. Any separatism in this field, whether subjective or from so-called objective causes, represents a serious danger or a cultural and political nature.

I was astonished and alarmed when I discovered (during the discussions on the elaboration of the fundamental projects mandated by the state plan) that the outstanding authors in all these disciplines had never had a meeting to discuss the controversial issues in their area of study, each one preferring to write what he wants, in the isolation of his respective fief. The contradictions and uncertainities of some chapters of Romanian historic science resulting from the anarchy of these castes of personal opinions demonstrate the inability of those with "a few, fixed ideas" to escape from the pride of their own construction to confront, with honor and courage, the opinions and arguments of their colleagues and of the collective. These same issues disqualify some versions of the history of the Romanian language and of Romanian literature. Thus, a logical consensus has become necessary and almost obligatory for us.

Let us give some examples. It might seem strange but how can one explain the preserverance of some philologists in attaching the label "origin unknown" to a large number of words in the Romanian language, when their Tracologist colleagues could supply them with some criteria for etymological research in the face of such a simplistic declaration of ignorance of the pre-Latin word stock of the Romanian language? A large number of words in the Romanian language between 600 and 1100, with which the natives addressed the populations

who settled later on Daco-Roman territory, adopted by these peoples and adapted to their own language, were noted, by some linguists in a hurry, as initially belonging to the migrant peoples and they can be seen today, in "Dictionarul explicativ al limbii romane " (The Explanatory Dictionary of the Romanian Language) as deriving from the respective foreign languages. There are other regrettable chronological confusions. For example, the word "corabie" [ship], which the old Romanians used along with the Greeks of the Pontus Euxinus [Black Sea] area (karabi), is given a Slavic etymology (korabli). Applying this rash method, works of Latin origin appear as received from Hungarian, or Turkish, etc.

I do not intend to transfer arguments from a purely philological discussion into what I would like to say since it seems to me that the problem which demands our attention now falls more in the sphere of the social sciences. But now history is entering in this sphere and the language of a people is inseparable from everything which is related to its literature and art and to its culture and civilization and it has been found that such arguments cannot be excluded when they are seen to be absolutely necessary. The socio-political importance of the Romanian language, its national, and international, implications in Europe and in the contemporary Latin world are no secret to anyone today. This is implicit in the fact that the Romanians represent the only continuity of the entire Eastern Latin character and that its history has been and remains an active facotr in the fate of this Latin character in the East.

I am not a "thracophile" or a partisan of indiscriminate "protochronism", but it would not be accurate if I did not acknowledge that the maniacal snobbism of "influences" and "interferences" at any price damaged, for too long a time, the objective examination of Romanian creativity specific to this geographic zone. This irresponsible waste of the national cultural patrimony has permitted others to take credit for and boast about the products of our millenial civilization. So, why were we surprised when a collection of the Songs of Putna, from the time of Stefan the Great, appeared in London, as part of the history of Bulgarian music? The same thing can be said about many other creations of old Romanian arts and oral literature from the territory of origin of the Romanian people.

Buy why are we astonished that, until the last five years, no fruitful collaboration, a collaboration that is very necessary, has been forged between our art historians, ethnologists, and folklore specialists and researchers of the old history of Romania, when, even in the past decade there existed "personal" opinions stating that the Romanian people came into being mute and that they remained that way for at least 200 years in the first millenium of our era. Such fallacious opinions were, unfortunately, sometimes noted by authors in their published works and they have supplied "citations" for our foes abroad. Fortunately, the research and discoveries of the past 15 years have provided a sufficient number of good arguments in support of our historic truth and justice.

The new general history of Romanian literature which is being complied, with the collaboration of distinguished historians and literary critics, outstanding professors and researchers is at a stage in which its progress still depends on the scientific and patriotic support of the universities, research institutes and, of course, of the members of the Writers Union, who are warmly and firmly invited to participate. The secretary general of the party, Comrade Nicolae Ceausescu, stressed the fact that "the compilation of all these works of an essential nature represents a primordial ideological requirement for our society."

CSO: 2700

ISLAMIC DISCIPLINARY COURT ACTIONS DISCUSSED

Sarajevo PREPOROD in Serbo-Croation No 6, 15 Mar 80 p 2

[Article by Salih Agic, Legal Advisor]

[Text] Discipline in the work of every employee in the Islamic community is the basic measure of the proper, orderly, and devoted work in the service of the Islamic community.

Where discipline is at a high level work is performed with quality, order, and punctuality, and this contributes to the realization of the tasks which are before the Islamic community.

On the other hand, where there is no discipline in work, or discipline is at a lower level, work is performed with disorder and delay, large unpaid debts appear, interpersonal relations are disrupted, various problems are created, and violations of official duty are commited which require the intervention of a disciplinary agency.

In the last 3 years, there were 90 disciplinary cases at the Disciplinary Court resulting from various violations in the performance of officials duties. In the greatest number of cases the accused were religious employees--imams.

Violations of official duty for the most part refer to dishonest, negligent, and irregular performance of imam duties, unauthorized absence from the place of work, not carrying out an order from the higher agencies of the Islamic community, offensive and arrogant behavior toward functionaries of the Islamic community and superiors, and to conduct and personal life which harms the reputation of religious employees and the Islamic community.

In the course of the proceedings and in the decisions concerning these cases, it was observed in several of them that immediately after the indictment of the imam the congregation split into two groups. One, the larger group, charged the imams and sought punishment, while the other group defended the imams and took every measure, sometimes even seeking the intervention

of the elders, in order to suspend the disciplinary proceedings. This division in the congregation does great material and moral damage to the Islamic community and urgent measures must be taken to avoid such an unjustified division in the future. This should be done before such circumstances within the jurisdiction of the local community also create problems for the Socialist Alliance of Working People, bearing in mind that members of the Islamic community are also members of SAWP.

Dishonest and irregular performance of one's imam duty refers mainly to the irregular execution of duties in the mosque and in religious instructions and to apathetic attitudes in duties outside of the mosque, such as in the distribution of religious publications and other printed materials.

And there are cases when the imam, who by contract is obliged to perform all five daily prayers in the mosque together with the congregation, performs at most only one or two prayers and sometimes only the Friday midday prayer. Often some imams leave the place of work without the permission of the chairman of the Islamic community council, and sometimes this absence lasts several days. There are instances of imams going out on excursions without the knowledge and approval of the council of the Islamic community. These departures, for example, may be excused with the approval of the Association of Clergy, even though this is not the authorized agency to give approval for the absence of workers of the Islamic community.

Such an unexcused absence is particularly noticeable when a death occurs while the imam is gone and an imam must be quickly sought from the jurisdiction of another congregation so that the funeral prayer can be performed. In one case, during an unauthorized absence an imam "hired" a member of the congregation with no religious training to perform the duties of the mosque in his place.

Sometimes annual leave is taken when it best suits the imam and not according to the schedule and the approval of the Islamic community council, and it is often of a longer duration than the imam is entitled to receive. In this regard, difficulties in the court's activities are sometimes created by the mosque councils which give approval to the imam for a longer work leave and for the time when the annual leave can be taken even though this falls under the exclusive jurisdiction of the Islamic community council.

Violations of official duty with regard to religious teaching include not adhering to the schedule of work, the absence of the imam from religious instruction, and not observing the instruction concerning the utilization of textbooks for religious teaching; these violations result in a small number of visitors and poor success in teaching. Some imams perform religious instruction only during the school vacation even though they are obliged by contract to do this for the whole year. There are a sufficient number of cases involving offensive behavior toward employees of the Islamic community and immediate superiors to undermine Islamic morale and proper human conduct.

In all these cases, quite extensive and sometimes complex proceedings have been carried out in order to establish all crucial facts and in order to make a decision which best corresponds to the incident which occurred and to the degree of guilt of the accused imam.

For committing an infraction, a fine is levied in most cases, in some cases the penalty is transfer or dismissal from the duties of religious educational officer, next comes the penalty of transferring the imam to the jurisdiction of another council, and in five cases it was expelling the religious worker from the Islamic community. All punishments also have the educational effect of teaching the accused and all other employees to perform their duties in the future correctly and in an orderly manner and in accord with the positive precepts of the Islamic community.

However, all these penalties by themselves will not contribute to a rapid increase in discipline, devotion, and Islamic support in labor unless measures wre taken with the objective of raising Islamic consciousness to a significantly higher level so that all workers in the Islamic community perform in accordance with the precepts of Islam.

All accused imams who were dismissed from employment and released from Islamic duties on the basis of disciplinary decisions have brought charges against the elders of the Islamic community in Sarajevo in order to establish that the decisions concerning release from duty are illegal and in order to obtain permission to return to the service of the Islamic community. The courts have rejected all such charges because they found that such disputes are to be decided by the agencies of the Islamic community and that the court is not authorized to settle such disputes according to the law regarding separation of the state and the religious communities in the matter of religious employment (Article 174, constitution of the Socialist Republic of Bosnia-Hercegovina and Article 184 constitution of the Socialist Federal Republic of Yugoslavia) which requires religious employees to know and to avoid that which is discrediting to them.

Some imams even after their release from duties in the Islamic community continue the unauthorized performance of imam duties in order to acquire unlawfully monetary resources which belong to the Islamic community; in this way they also mislead the congregation in order to perform a religious rite as an imam who is correct according to Muslim religious law.

It is well known that rites performed by such an imam are not correct according to religious law and must be repeated, particularly in the case of the Friday midday prayer.

The elders have proposed to the courts that such imams be indicted pursuant to the criminal section of Article 208, Paragraph 1 and 2 of the criminal statutes of the Socialist Republic of Bosnia-Hercegovina, and the proceedings are underway.

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DEDIJER DISCUSSES HIS WAR DIARY

[Editorial Report] Zagreb VJESNIK in Serbo-Croatian of 29 March 1980 on pages 16-17 carries an interview with Vladimir Dedijer on the occasion of the forthcoming fourth edition of his work DNEVNIK [Diary] which he started to write in 1941 on the advice of Kardelj and Tito by noting down everyday events in the Supreme Command during World War II. Dedijer recounts among other things that in 1943 when he left for Egypt for an operation he gave DNEVNIK to Djilas to guard. According to Dedijer when Djilas in April, 1944 went to Moscow he took DNEVNIK with him and when he returned a month and a half later to Yugoslavia he left DNEVNIK in Moscow. Dedijer says that he found out later that DNEVNIK was seen on Stalin's desk for many months and was brought back by Mosa Pijade upon the liberation of Belgrade.

Dedijer also mentions problems with the second edition of DNEVNIK: "Rankovic and Ceca asked me to delete all the names of Cominformists from DNEVNIK. I did not agree with their position. I went to Tito and he supported [my position] that DNEVNIK should be published as written, regardless of what happened to the individuals later or how the individual events were judged..."

Dedijer also tells that recently he has completed a manuscript for a new book for a Belgrade publisher who asked him to delete the name of Sreten Zujovic: "Maybe he already deleted it himself. I have refused to do it. I reject such a book and if it appears I will bring charges against them."

Dedijer also complains about newspapers copying from his book and not mentioning the source: "OSLOBODJENJE, for example, published the entire feuilleton on Foca and the stay of the Supreme Command there, they copied practically everything from DNEVNIK, without putting quotation marks. I will sue them." He adds that others also peered into DNEVNIK when they wrote their books and so did Djilas when he wrote "Wartime."

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BRIEFS

EMPLOYMENT REGULATIONS QUESTIONED--Ferida Medojevic and Nadezda Ljujic from Bijelo Polje have sent a request to the Constitutional Court of Montenegro [asking it] to examine the legality of article 27 of the Self-Management Agreement on Employment whose regulations are applied in the opstinas of Bijelo Polje and Mojkovac. It was stated in the request that a large number of unemployed workers in Bijelo Polje regularly applied for vacancies. But, in the majority of cases, spouses or close relatives of individual managers were hired, thus bypassing the criteria drawn in the Social Agreement on Employment. Article 27 is contrary to article 167 of the Law on Associated Labor because it stipulates that priority in hiring be given to the spouse of a specialized worker with a prior agreement of the Executive Council of the Opstina Assembly of Bijelo Polje or Mojkovac. Workers Medojevic and Ljujic were granted the permission to initiate legal proceedings before the Constitutional Court, and during the proceedings it was established that regulations drawn by article 27 are unconstiutional. [Excerpts] [Titograd POBJEDA in Serbo-Croatian 29 Mar 80 p 4]

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